



**Upper Tribunal
(Immigration and Asylum
Chamber)**

**Appeal Number: UI-2022-002404
On appeal from PA/00314/2021**

THE IMMIGRATION ACTS

**Heard at Field House
On the 21 September 2022**

**Decision & Reasons Promulgated
On the 01 November 2022**

Before

**UPPER TRIBUNAL JUDGE McWILLIAM
DEPUTY UPPER TRIBUNAL JUDGE JARVIS**

Between

**MAA
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms L Mair, Counsel instructed by Duncan Lewis and Co

For the Respondent: Mrs A Nolan, Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant is a citizen of Sri Lanka. His date of birth is 27 June 2000.
2. On 27 April 2022 the First-tier Tribunal (Judge Swaney) granted the Appellant permission to appeal against the decision of the First-tier Tribunal (Judge Freer) to dismiss his appeal against the decision of the

Secretary of State on 17 January 2021 to refuse his claim on protection and human rights grounds.

3. The matter came before us in order to determine whether Judge Freer erred in law. At the hearing we did not hear from Ms Mair. It was not necessary because Mrs Nolan on behalf of the Secretary of State conceded that the judge materially erred in law for the reasons identified in the Appellant's grounds of appeal.
4. There are six grounds of appeal in total. It is not necessary for us to engage with them in any detail. We accept the Secretary of State's concession. It was clear to us that Judge Freer failed to apply the country guidance case of GJ and Others (post-civil war: returnees) [2013] UKUT 319, misunderstood the expert evidence and constructed his own theory of the case. We agreed with Ms Nolan that there were significant material errors properly identified in the grounds.
5. We set aside the decision in its entirety and remitted the appeal to the First-tier Tribunal for a rehearing.
6. The First-tier Tribunal anonymised the Appellant (which is the normal practice in protection claims) using the initials, MAA. Judge Freer continued to anonymise the Appellant using the initials AB. It is not clear to us why he changed the initials. It may have been an error on his part. In any event, we have referred to the Appellant as MAA.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed Joanna McWilliam

Date 5 October 2022

Upper Tribunal Judge McWilliam