



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM
CHAMBER

Case No: UI-2022-003978

[First-tier Tribunal No: PA/51900/2021]
IA/05398/2021

THE IMMIGRATION ACTS

Decision & Reasons Promulgated
On 27 February 2023

Before

UPPER TRIBUNAL JUDGE KOPIECZEK
DEPUTY UPPER TRIBUNAL JUDGE JUSS

Between

AFG
(ANONYMITY ORDER MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms K Renfrew, Counsel instructed by MTC Solicitors
For the Respondent: Mr D Clarke, Senior Home Office Presenting Officer

Heard at Field House on 1 December 2022

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant is granted anonymity.

No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant. Failure to comply with this order could amount to a contempt of court.

DECISION AND REASONS

1. The appellant is a citizen of Sri Lanka, born in 1981. Pursuant to a multi-entry student visa, he came to the UK on 14 January 2010. He claimed asylum on 18 January 2018. That application, and related human rights and humanitarian protection claims, were refused in a decision dated 15 April 2021.
2. The appellant appealed against that decision and his appeal came before First-tier Tribunal Judge Fern (“the Ftj”) at a hearing on 30 May 2022. In a decision promulgated on 4 June 2022 the appeal was dismissed on asylum, humanitarian protection and human rights grounds. Permission to appeal the Ftj’s decision was granted by a Judge of the First-tier Tribunal on 7 July 2022.

The Ftj’s decision

3. The Ftj’s decision is a very detailed one, extending to 22 pages.
4. At [2] the Ftj summarised the basis of the appellant’s claim as follows. The appellant is Sinhalese and fears persecution in Sri Lanka because a Tamil friend of his wife stayed in their home, leading to suspicion by the authorities that he was a member or supporter of the Liberation Tigers of Tamil Eelam (“LTTE”). The appellant has also taken part in *sur place* activities in the UK in terms of attending demonstrations organised by the Transnational Government of Tamil Eelam (“TGTE”) which would put him at risk on return to Sri Lanka.
5. At [6] the Ftj recorded that the Article 3 claim was abandoned (although we think that that can only relate to any Article 3 claim in relation to the appellant’s mental health, since Article 3 is otherwise related to the asylum claim).
6. The Ftj identified the documentary evidence before her and set out the appellant’s immigration history and the chronology of events.
7. Under the subheading “Procedural Background and the Hearing” the Ftj said at [29] that it was apparent at the hearing before her that the appellant had a high level of English language comprehension and speech, noting that during the hearing he at times cut across the interpreter to respond to questions posed directly in English, without waiting for a translation.
8. She considered a submission that the appellant should be treated as a vulnerable witness, with reference to the Equal Treatment Bench Book and the Joint Presidential Guidance.
9. She said at [32] that in his evidence the appellant said that his initial screening interview was conducted in English and he reviewed it in English, having read through the transcript “with the knowledge of the English language that he had then”, and pointed out certain matters that needed to be corrected (seemingly in his witness statement). He said that he understood the questions and answers “to a good extent” (quoting the Ftj’s decision).
10. She summarised the appellant’s evidence as to his mental health, his reasons for coming to the UK, the treatment he received whilst detained by the authorities in Sri Lanka in 2009, and the extent of any injuries. She also summarised his evidence as to his attendance at demonstrations in the UK from 2016–17, with photographs of him at a demonstration or demonstrations in 2021.

11. She referred to his evidence about his wife and other family and their whereabouts.
12. The Ftj gave a detailed summary of the oral submissions made to her by the parties. She gave self-directions on the burden and standard of proof and the applicable law. She referred to current country guidance decisions and gave a self-direction in relation to the assessment of credibility, including with reference to the appellant's vulnerability.
13. Next, she summarised the reasons for refusal letter. Her findings start at [80], on page 13 and, materially for the purposes of the appeal before us, those findings continue to page 17.
14. At [81] the Ftj set out her specific findings in relation to detailed aspects of the appellant's claim. The findings are commendably detailed but we observe that the way the findings have been set out at [81], with subparagraphs (a)-(l), and within subparagraph (l) 19 bullet points, makes our later analysis and evaluation rather cumbersome.
15. The Ftj accepted that the appellant was of Sinhalese ethnicity and that he married a Tamil woman on 4 December 2008. She found that on or about 14 January 2010 he entered the UK but at "no point" did he take up education in the UK. She found that he had provided little evidence as to what he had been doing in the UK for the past 12 years.
16. She found that there was no physical evidence presented as to any injury or scar that the appellant had in relation to his claimed detention and torture. She found that there was evidence of moderate depression with an onset of three or four years prior to the 2021 medical report. She said that she took into account the appellant's moderate depression as a vulnerability in considering his evidence.
17. The Ftj found that the appellant had said that he was neither a member nor supporter of the TGTE, the LTTE or any other banned group and does not support separatism. He had provided a few photographs showing him in apparent attendance at TGTE demonstrations, all of which were on or after 27 July 2001. He was not pictured carrying placards, signs or flags and was typically shown at the edge of the photograph, not participating, but looking at the camera with a happy demeanour. She said that who took the photographs and for what reason was not established in evidence. She also said that there were no witness statements, letters, or any other documentary evidence "corroborating the Appellant's accounts" regarding CID visits, detention, physical injuries, or regarding his role in protests.
18. She concluded that his six accounts submitted over more than two years "when viewed holistically, in the round, and taking into account his vulnerabilities and that his first language is Sinhalese" were fundamentally not credible, plausible and were inconsistent in relation to material facts. She found that the inconsistencies were "pervasive" and she found that the appellant's credibility was very severely damaged and his accounts were not plausible. She found that there was "little to no corroboration" of most of his key assertions. She referred to his depression, stating that she took account of the fact that this may impair his evidence to a degree, and that his level of English at the time of the screening interview may have been lower than at the hearing before her.

19. She then gave the 19 bullet point examples of areas of “internal inconsistency, external inconsistency, insufficiency of detail, and implausibility”. These related to his studies in the UK, or lack of them as she found, his level of English, the circumstances of his departure from Sri Lanka, the evidence in relation to any injuries or scars, his claim of adverse interest in him by the authorities, his *sur place* activities in the UK, and his family circumstances overall.
20. At [82] she concluded that the appellant’s credibility was damaged with reference to s.8 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 in terms of inconsistent, misleading and obfuscating accounts, as well as a failure to make an asylum claim at an earlier opportunity.
21. At [83] she referred again to the appellant having come to the UK to study but not having studied at all, overstayed his student visa and claimed asylum eight years later.
22. At [84] she rejected the credibility of his claim of a visitor, about whom he knew little, staying with them in Sri Lanka, resulting in his detention and beating. She rejected the claim that the CID “suddenly” eight years after his departure came to his home in Sri Lanka.
23. She referred to him as appearing to be a “spectator” at the very edge of protests in London as being implausible (in the context of his account) and referred to the lack of witnesses to support this aspect of his account.

The grounds and submissions

24. The grounds of appeal are threefold. Ground 1 contends that there are errors in the Ftj’s assessment of the appellant’s credibility. Ground 2 argues that the Ftj erred in failing to address risk on return with reference to current country guidance. Ground 3 contends that there was a failure to address the appellant’s vulnerability in the assessment of his evidence.
25. Ground 1 is subdivided into two parts, (i) and (ii). The first part alleges error in the assessment of credibility and the second alleges that there was a failure to make findings on material matters and/or give adequate reasons. As regards the former, and with specific reference to the Ftj’s 19 bullet points at [81(l)], the grounds very helpfully identify 18 of the bullet points as (a)-(r). The general contention is that there was an overall failure to draw together what were said to be the adverse credibility points “in a coherent manner that was sufficiently reasoned on the overall findings of credibility”, contrary to the need for a holistic assessment of credibility. The grounds argue that in any event, the several adverse credibility findings were flawed for the various reasons set out. There then follows a point by point rebuttal of almost all of the Ftj’s findings in the 19 bullet point subparagraph.
26. Subparagraph (a) of this aspect of the grounds argues that stating that the appellant’s evidence was that “he never attended any education in the UK” was not a proper reflection of the oral evidence, in that at [36] it is recorded that he said that he did not complete his diploma because the college had closed down. It is said that the implication is, therefore, that the appellant commenced studies but did not complete them. The reference to the appellant never having studied appears, the grounds contend, to have come from the respondent’s submissions as recorded at [43]. In the screening interview the appellant had said that he went to college but did not finish the course. Similarly, the finding that there was

inconsistency between the screening interview at question 3.1 and his oral evidence was not an appropriate finding.

27. Subparagraph (c) of ground 1 argues that the FtJ was wrong to find inconsistency between the appellant's screening interview and substantive asylum interview in terms of why he claimed asylum. The grounds argue that it was inappropriate of the FtJ to place significant weight on differences in detail between a screening interview and an asylum interview given the different functions of those interviews, and that the appellant was told at the start of the screening interview that he only needed to give a brief outline of his claim.
28. Subparagraph (d) takes issue with the FtJ's conclusion that there was inconsistency between the screening interview and the pre-interview questionnaire ("PIQ") in terms of whether or not the appellant had been detained in the UK or any other country. It is said that the FtJ failed to consider why the appellant's explanation of his inadequate English in relation to the screening interview was not a satisfactory explanation, that having been set out in his witness statement.
29. Similarly, subparagraph (e) contends that the FtJ was wrong to say that there was inconsistency in the appellant's account of the development of any private life in the UK because he had not provided details. In fact, he had given details, albeit briefly, in his witness statement. This was not a matter upon which he was asked questions at the hearing.
30. No issue is taken with what the FtJ said at subparagraph (f) in terms of the appellant having said that he was not able to see a GP in the UK until 2018, although the FtJ noted that he had had a student visa from 2009 to 2011 and she expressed the view that medical professionals are available in the UK, publicly or privately funded.
31. So far as subparagraph (g) is concerned, and what the FtJ said about scars that the appellant had claimed to have, it is argued that the FtJ was wrong to say that the appellant's account was inconsistent because he had not produced any medical report, photograph or any other evidence of scarring. The appellant's account was that despite his physical ill-treatment he suffered no bleeding or broken bones, and any scars had faded.
32. Next, the grounds argue that the FtJ was wrong to find against the appellant in terms of his having left Sri Lanka using his own passport with no apparent problems. The appellant had explained that he had the assistance of an agent, and that explanation was consistent with the country guidance decision of *Gj and Others (post-civil war: returnees) Sri Lanka* CG [2013] UKUT 00319 (IAC).
33. Although the FtJ had found that the appellant's account was inconsistent in terms of having attended demonstrations in the UK despite saying in the asylum interview that he was not involved with the Sri Lankan community in the UK, the appellant had in fact explained later in the asylum interview why he had attended such demonstrations or protests.
34. As regards subparagraph (j) of the grounds, concerning the visit of the CID to the appellant's house in early 2018, although the FtJ found his account inconsistent in that he did not refer to it in "earlier interviews", prior to the asylum interview, it appeared that the FtJ was referring to the screening interview. It is to be inferred that the criticism of the FtJ's decision in this respect

is in terms of expecting the appellant to have mentioned this in the screening interview. The Ftj's finding of implausibility in the CID expressing an interest in the appellant nine years later, that finding fails to take into account the nature of investigations in Sri Lanka, it being plausible that material would come to light at a later date through the questioning of others and given the longstanding approach of the Sri Lankan government to questioning. That questioning also coincides with the appellant's attendance at demonstrations in the UK.

35. Although the Ftj had found the appellant's account further inconsistent in terms of the whereabouts of his family members, in his substantive interview he gave a consistent account of where his brothers lived, in that in his oral evidence he said that only one of his brothers was in Sri Lanka with his father although in oral evidence he said he had one brother in New Zealand and two in Italy.
36. It is said in the grounds that the Ftj failed to give adequate reasons as to why the appellant's account of how it was he knew so little about the person who visited their home for a week was not credible, the Ftj having found it implausible that he would know little of a house guest who stayed with him and his wife in November 2009.
37. At subparagraph (q) of the grounds it is suggested that the Ftj was wrong to have doubts about the appellant's claimed low level of English in relation to the screening interview, despite what the Ftj found as to his standard of English, bearing in mind that this would not preclude the appellant from feeling unable to conduct a formal and important interview in English which is not his first language.
38. Subparagraph (ii) of ground 1 argues that despite the Ftj at [81] setting out a range of matters which she found adverse to the appellant's credibility, she had failed to give adequate reasons as to why material aspects of the appellant's account were rejected, alternatively she failed to make findings on certain matters at all. The Ftj, it is said, gave only cursory consideration to the appellant's attendance at demonstrations organised by the TGTE, stating only that his appearance appeared to be as a spectator at the very edge of the protests which she found was "implausible". The Ftj had failed to give reasons as to why the appellant's oral and written evidence was rejected, apart from referring to what he said about not having been involved with the Sri Lankan community. Furthermore, the conclusion that the appellant's attendance was "implausible" does not address the fact that there was photographic evidence of the appellant present at at least one protest.
39. Next, it is said that the Ftj failed to give adequate consideration to the medical report in relation to the appellant's mental health, in terms of rejecting his account of detention and torture.
40. Ground 2 contends that flowing from what is said to be the Ftj's failure to have made clear findings on the appellant's *sur place* activities and detention, she failed to give any consideration to the issue risk on return in terms of current country guidance. The appellant had attended protests organised by the TGTE. This is a proscribed organisation. The protests are monitored and it is likely that the appellant would be identified. In any event, in the light of *KK and RS (Sur place activities: risk) Sri Lanka* CG [2021] UKUT 00130 (IAC), the fact that he did not have a national passport means that he would be questioned on return and asked about his activities in the UK. None of that was addressed by the Ftj.

41. In addition, his detention and release on payment of a bribe is a matter that the FtJ failed to consider in terms of whether there would be a warrant for his arrest. The decision in *RS (Sri Lanka) v Secretary of State for the Home Department* [2019] EWCA Civ 1796 is relied on in this respect.
42. As regards ground 3, it is argued that the FtJ failed to make an express finding on whether the appellant should be treated as a vulnerable witness and failed to address the effect of his vulnerability due to his mental health condition on the assessment of the credibility of his written and oral evidence.
43. In her submissions Ms Renfrew relied on the comprehensive grounds which we have set out in detail above, highlighting various aspects of them. It is not necessary to summarise further Ms Renfrew's able submissions in the light of the detailed grounds.
44. In his submissions Mr Clarke took us in great detail through each element of the grounds, highlighting various different aspects of the evidence which he submitted supported the FtJ's findings. We only need highlight some aspects of those submissions.
45. In relation to the appellant's studies, it was submitted that where at [36] the FtJ recorded that the appellant said that he was "meant to be" on a course leading to a diploma in business management, that could be taken to mean that he did not take up that course. At [81(l)], at the first bullet point, the FtJ was clear in saying that the appellant's evidence was that he had never attended any education in the UK, that his first institution had closed, and that he never sought to attend another because he did not know how. It was submitted on behalf of the respondent that the critical point was why the appellant stayed in the UK when he could no longer study, even if he did study for a limited period, say one, two or three months.
46. Although the appellant is supposed to have arrived in the UK soon after he claimed to have been detained, and said that he had scars, he did not seek any medical attention in the UK and claimed that he could not see a GP. There was no evidence of any scarring, by way of medical report or photographs. At [35] the FtJ recorded the appellant's evidence that although in his witness statement he had mentioned physical injuries, that was inconsistent with his oral evidence. According to him, he was beaten with poles and sticks but yet had no bleeding and no broken bones and only faded scars. It was submitted that the grounds amount only to disagreement in this and other respects.
47. Although the grounds criticise the FtJ's conclusion that the appellant's evidence was inconsistent in terms of attending demonstrations, the appellant's case was that he attended demonstrations in 2016-2018 which it is said was the basis of the adverse interest in him in 2018. However, at questions 130-134 of the asylum interview the appellant said that he took part in two protests, one of which was in November "last year". That would have been November 2019 given that the asylum interview was December 2020. Another demonstration he said was about two or three months before that.
48. He said in the interview at questions 133-134 that he did not go there for any purpose but they just called him and he went but did not understand. He said that his Tamil friend(s) asked him to go so he went, otherwise he would not have gone. When asked at question 135 what the nature and extent of his involvement in the protests was, he said that he had no involvement, just nothing

at all. However, in his witness statement 10 months later, at [50] he said that he had attended demonstrations and protests organised by the TGTE and at [51] that he had attended those protests because it was an environment where there are many other Sri Lankans including Sinhalese, who had suffered in a similar way to him at the hands of the authorities. Going to those protests, he said, made him feel part of a community and less alone. He went on to say that attending the demonstrations had been a positive way for him to show solidarity with others who had been subject to similar abuses.

49. Therefore, although the appellant claimed to be involved in demonstrations between 2016 and 2018 in his evidence, that was not what he said in the asylum interview. His account was, therefore, inconsistent in terms of when he went to demonstrations and why.
50. Although the grounds contend that the FtJ failed to take into account the plausibility of investigations at a later date by the CID, there is a failure to identify what investigations or information could have led to renewed interest in the appellant nine years later. The FtJ was entitled to take into account the nine year gap in assessing whether the CID would have expressed adverse interest in the appellant.
51. Further in relation to the appellant's attendance at demonstrations in the UK, the evidence did indicate that the appellant was nothing more than a spectator when one looks at the photographs and the lack of any supporting evidence from anyone else associated with those demonstrations. With reference to the country guidance of *KK and RS*, when one looks at the evidence, the inconsistencies in his account and the extent of his *sur place* activities, the appellant would not be seen as a TGTE supporter. He had no such profile before and none is illustrated by his attendance at demonstrations.
52. So far as ground 2 is concerned, the FtJ clearly had in mind the up-to-date country guidance when making her decision. It was clear that the appellant's account was rejected and he does not come within the categories of those who would be at risk on return.
53. As regards ground 3, the FtJ did consider what was said about the appellant's vulnerability, at [30] and [63]. The psychiatric report at [51]-[54] said that the appellant was fit to give evidence and that there was nothing to indicate anything which would impair his ability to understand and weigh up the relevant information relating to the proceedings.
54. In reply, Ms Renfrew argued that the submissions made on behalf of the respondent were an attempt to explain what the FtJ meant, and with reference to other aspects of the evidence, raising new material not within the FtJ's reasoning. It was not necessary for the appellant to show that the FtJ's reasoning was irrational or perverse. Various aspects of the evidence were not referred to and the appellant is left, therefore, wondering why his account was not believed.
55. As regards ground 3, simply saying that the appellant was 'fine' answering questions in court is not consistent with the vulnerability guidance. There was no assessment of the extent to which the medical evidence affected the credibility assessment.

Assessment and Conclusions

56. We do not consider it necessary to deal with every aspect of the grounds but we assess what we consider to be the main features of the grounds.
57. It is convenient to deal with ground 3 first. We are not satisfied that there is any merit in this ground. At [30] the FtJ referred to the submissions on behalf of the appellant to the effect that he should be treated as a vulnerable witness in accordance with the Equal Treatment Bench Book and the Joint Presidential Guidance in the context of cross-examination, breaks and language used. The FtJ said that she reserved any decision on vulnerability, including considering whether any trauma that the appellant had suffered had an impact on the quality of his evidence. She acceded to the suggestion that was made concerning cross-examination, breaks and language used, and recording that that procedure was adopted at the hearing.
58. At [81(l)] she referred to viewing holistically the appellant's six accounts submitted over more than two years, and "taking account of his vulnerabilities and that his first language is Sinhalese". She went on to state that she took specific account of the fact that the appellant's depression may impair his evidence to a degree, and that his level of English at the time of the screening interview may have been of a lower standard than was the case at the hearing. Earlier, at [63] the FtJ devoted a paragraph to the issue of the appellant's credibility in the light of his diagnosis of depression and again referred to the Equal Treatment Bench Book and Joint Presidential Guidance. She said that although a variety of reasonable adjustments were made for the appellant, such as breaks offered whenever requested, and the use of non-hostile questioning, the appellant consistently refused breaks and answered questions thoroughly. She said that "His depression did not affect his credibility in any material way."
59. It was not necessary for the FtJ to measure each aspect of the credibility assessment with reference to the appellant's depression or other vulnerability. It is plain that she had that well in mind from the outset, not only of the hearing, but of her written decision. It cannot realistically be said that she failed to take into account the medical report, the appellant's vulnerability or his mental state when assessing credibility.
60. As regards ground 1, we do not accept the general assertion in the grounds that there was a "general failure to draw together [the] deemed adverse points in a coherent manner". The FtJ's decision plainly indicates a holistic assessment of the evidence. In making findings on specific aspects of the evidence she inevitably needed to identify those aspects of the evidence which were significant and upon which findings needed to be made. To that extent the FtJ needed to compartmentalise the findings. In any event, it is clear from [81(l)] that the FtJ had in mind the need to make a rounded assessment, expressly stating as such, referring to her assessment being "viewed holistically, in the round".
61. Even earlier, at [62] she said that she would consider "all of the evidence holistically", including any vulnerabilities that the appellant has. That is what she did.
62. As to whether or not the FtJ was right in stating that the appellant never studied at all in the UK, at [81(l)] at the second, bullet point the FtJ recorded that the appellant's evidence was that he never went to college at all; that the college had closed and he did not seek another. The grounds suggest that his evidence recorded at [36] of the FtJ's decision, namely that he did not complete his diploma because his college had closed down, is not the same as stating that he

did not undertake any studies at all. However, we consider that there is merit in Mr Clarke's submission to the effect that even if the appellant undertook some very limited studies, the fact is that he remained in the UK without actually doing the studying that he came here to do. Furthermore, as the FtJ stated at [81(I)] at the first bullet point, the appellant said that rather than studying using his student visa he worked 20 hours per week at the Royal Albert Hall and also worked as a builder.

63. Whilst we accept the proposition that the screening interview was not the place for the appellant to give a detailed account of the circumstances which led to his fear of return, the FtJ was entitled to take into account the inconsistency in the appellant's account in terms of whether or not he had ever been detained in any country, a matter he denied in the screening interview. At [32] the FtJ records the appellant's evidence as being that he reviewed in English what was said in the screening interview, read through it, and that he understood the questions and answers "to a good extent". The claim that the appellant was detained is plainly a significant aspect of his account which the FtJ was entitled to conclude was a matter that he could reasonably have been expected to mention in the screening interview, regardless of what may be said about the lack of detail in relation to other aspects of his account recorded in the screening interview.
64. So far as evidence of any scars or injury is concerned, when one takes into account the appellant's evidence of the extent of the beatings, many times per day, including with "poles", and that he said that there were scars at the time but they had faded, the FtJ was similarly entitled to conclude that it was significant that the appellant had not produced any medical evidence, or photographs of any injuries, despite arriving in the UK soon after he claimed to have been released from detention. The FtJ was entitled to reject the appellant's explanation for that lack of evidence.
65. We are not satisfied that there is any merit in the complaint made about the FtJ's having left Sri Lanka without any difficulty, given, as Mr Clarke submitted, that the appellant did not suggest that he left on payment of a bribe. Furthermore, it was a matter that the FtJ was entitled to consider as relevant that he and his family had no problem with the Sri Lankan authorities except for one visit in 2018. Even if the FtJ ought expressly to have referred to what was said at [275] of *Gj and Others* in terms of evidence that it was possible "to leave through the airport even when a person is being actively sought", that does not reveal any error of law in her reasoning in circumstances where this was but one of a multitude of factors that she took into account in rejecting the credibility of the appellant's claim.
66. It was not necessary for the FtJ to reflect on what the grounds describe as the nature of investigations by the CID in terms of the significant period of years after the appellant left and before any visit by the CID. The FtJ was entitled to find as she did on this issue in the circumstances of the appellant's account overall.
67. As regards the appellant's attendance at demonstrations, the FtJ considered this in detail and on the basis of the evidence before her concluded that the appellant's attendance at the one demonstration in the UK about which other evidence was provided, showed him to have the appearance of a "spectator". Furthermore, the evidence from the appellant's asylum interview did not indicate that he was a person who had any inherent interest in activities of that sort but which was evidence that developed into what he later said in his witness statement; inconsistent with his asylum interview.

68. There is no merit in the proposition that the Ftj erred in her assessment of the implausibility of the appellant's lack of knowledge of the guest of his wife who he claimed stayed at their house and because of whom the CID's interest in the appellant was aroused. The Ftj did not need to give reasons for concluding that that was not a credible aspect of his account. This aspect of the grounds is simply a disagreement with a finding that was open to the Ftj on the evidence.
69. As regards ground 2, and the issue of risk on return in relation to country guidance, it is important to consider this ground in the context of what we consider to be the Ftj's sustainable credibility findings. On the Ftj's findings, the appellant was not a person in whom the Sri Lankan authorities would have any inherent interest because the appellant himself is not someone who is an anti-government activist or supporter, or a member of, or supporter of the TGTE.
70. The Ftj was plainly aware of, and took into account, the up-to-date country guidance, to which she referred at [21] and at [59]. At [61] she referred to it again, and quoted from it, in the context of an individual who is a "non-genuine professor of separatist beliefs", and who she was entitled to judge the appellant to be.
71. In those circumstances, the Ftj was entitled to conclude that the authorities in Sri Lanka would have no interest in the appellant on return, even accepting that they may be aware of his attendance at a demonstration or demonstrations.
72. In the light of the conclusions we have come to on the various aspects of the appellant's grounds, we are not satisfied that there is any error of law in the Ftj's decision in any respect.

Decision

73. The decision of the First-tier Tribunal did not involve the making of an error on a point of law. Its decision to dismiss the appeal, therefore, stands.

A.M. Kopieczek

Judge of the Upper Tribunal
Immigration and Asylum Chamber

27/02/2023