



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/09750/2017

**THE IMMIGRATION ACTS**

Heard at Field House  
On 25<sup>th</sup> June 2018

Decision and Reasons Promulgated  
On 27<sup>th</sup> July 2018

**Before**

DEPUTY UPPER TRIBUNAL JUDGE PARKES

**Between**

G Z  
(ANONYMITY DIRECTION MADE)

Appellant

**And**

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Mr G Syms (counsel, instructed by Solidum Solicitors))  
For the Respondent: Ms A Everett (Home Office Presenting Officer)

**DETERMINATION AND REASONS**

1. The Appellant's asylum appeal was dismissed by First-tier Tribunal Judge Dhaliwal in her decision promulgated on the 23<sup>rd</sup> of January 2018. In the decision the Judge rejected the Appellant's claim for the reasons given in paragraphs 19 to 31 of the decision. The Appellant was granted permission to appeal to the Upper Tribunal on the 27<sup>th</sup> of February 2018 leading to the hearing before me. The submissions are set out in full in the Record of Proceedings and referred to where relevant below.
2. In paragraph 19 the Judge summarised the evidence and indicated that there was a certain degree of correspondence with background information considered in country guidance in paragraph 20. In paragraph 21 the Judge went on to consider issues that arose in the evidence and differences she identified from different sources of the Appellant's accounts including different versions of the cause of a shoulder injury, differing accounts of beatings, his accommodating

and socialising with his friend contrary to other evidence about the situation at the time. In relation to the Appellant leaving Sri Lanka the Judge did not accept that the Appellant would be accompanied by a monk to the departure lounge who could then leave. In paragraph 22 the Judge discussed the Appellant's failure to explain some matters earlier. Documentation was discussed in paragraphs 22, 25 and 26. The Appellant's account was rejected and at paragraph 31 the explicitly

3. The grounds argue that the Judge failed to make findings on key parts of the evidence in relation the detention of the Appellant's brother, his questioning and continued reporting. The documents had been referred to but there were no findings made in respect of them or the brother's position. The second ground argued that the finding that the Appellant left on his own passport was at odds with other evidence relating to the prevalence of bribery at the airport and the presence of the Appellant's name on a watch list was not a bar to his being to leave Sri Lanka.
4. In developing the grounds in submissions it was observed that the Judge had expressly considered the arrest warrant and made findings on that document but had not made findings on the other documents the Judge had listed. It did not follow that the findings on the arrest warrant called into question the other documents or that they fell at the same time. With regard to the Appellant's departure it was not on leaving that the problems arose but on return. In paragraph 21 the Judge's conclusion was wrong and both grounds went to the heart of the claim.
5. The Home Office observed that, referring to paragraph 21d, the credibility findings were negative and good reasons were given. The reasoning on the arrest warrant was sound and coherent finding against the Appellant as a document and the Appellant had not mentioned it. If genuine the Appellant would have known about it. There were doubts about the envelope and the Appellant's evidence was rejected. It was submitted that the ability to leave was a neutral point and the account was rejected for other reasons such as the presence of the monk and it was about the circumstances of the departure in addition to the fact of it. The central core of the Appellant's account was rejected, there was no envelope and the Judge had a problem for which reasons were given. Credibility could not be ring fenced.
6. In reply it was said that paragraph 21e was a misunderstanding of GJ and MM and the small point at the end was immaterial, the case law was the opposite of what the Judge said. Credibility could not be ring fenced, the case went on whether the Appellant could be believed and the case law had not been followed.
7. The decision has to be read as a whole and while sufficient reasons must be given it is not necessary for each and every point raised to be discussed if overall the reasoning is clear. With regard to the documentation the absence of the envelope, while not central or determinative by itself, was a point that the Judge was entitled to have regard to and it applied equally to all the documents.
8. The principal document the Appellant supplied in relation to his claim was the arrest warrant considered by the Judge at paragraph 26. The reasons given for rejecting the warrant cannot be criticised and that fundamentally undermines the Appellant's case. The Judge was entitled to make the observations in paragraph 26c with regard to the other letters. The submission of unreliable documents would inevitably undermine the reliability of the other documentation submitted at the same time and apparently obtained by the Appellant in the same way. Given the Judge's overall view of the Appellant's credibility the failure to expressly consider the brother's claimed circumstances is not an error as the documentation submitted fell to be considered in the same way as the arrest warrant and supporting letters and there was no other reliable support provided.

9. Given the circumstances in Sri Lanka following the defeat of the LTTE it is clear that security remains a significant issue and a high state is maintained to pursue the objectives identified in GJ. Airports the world over maintain high levels of security with clear boundaries enforced between the public area and airside. In that context the detail provided by the Appellant in relation to his claim to be accompanied by the monk until departure was a feature that the Judge was entitled to regard as incredible. In finding that that would not have happened that adverse finding would itself call into question the Appellant's account and raise the issue why the Appellant would give an account of his being escorted when that could not have happened.
10. While the Judge's reasoning about whether the Appellant was on a watch list or not was not relevant to his ability to leave it was not material. There were a number of reasons given by the Judge to reject the Appellant's account of events in Sri Lanka including that the Appellant had been inconsistent about the cause of his injuries, there was no supporting medical evidence, important documentation had been rejected and he had given an account of leaving that contained detail that simply could not be true. Read as a whole the decision was open to the Judge for the reasons given and there are no material errors of law. The decision of the First-tier Tribunal stands as the disposal of this appeal.

## CONCLUSIONS

The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.

I do not set aside the decision.

### Anonymity

The First-tier Tribunal made an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

I continue that order (pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008.)

### Fee Award

In dismissing this appeal I make no fee award.

Signed:



Deputy Upper Tribunal Judge Parkes

Dated: 20<sup>th</sup> July 2018