



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

Case No: UI-2023-000233  
First-tier Tribunal No: PA/00430/2020

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On 27 April 2023**

**Before**

**UPPER TRIBUNAL JUDGE KEBEDE**  
**DEPUTY UPPER TRIBUNAL JUDGE McCARTHY**

**Between**

**G W F**  
**(ANONYMITY ORDER MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr N Paramjorthy  
For the Respondent: Ms A Nolan

**Heard at Field House on 22 March 2023**

**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. At the request of the appellant's representative, and there being no objection from the respondent, we agreed to a hybrid hearing, using Teams. There were no connectivity issues.
2. By way of background, we record the following. First-tier Tribunal Judge Parkes dismissed the appellant's protection appeal on 20 December 2022. The appellant

was granted permission to appeal to the Upper Tribunal on 30 January 2023 because it was arguable that Judge Parkes may have erred in his approach to the medical evidence.

3. After hearing from both representative, and having considered the written evidence and arguments available, we have decided there is no legal error in Judge Parkes' decision, and we uphold it. Our reasons follow.
4. We disagree with the allegation that Judge Parkes erred in recording at [14] that Dr Dhurmad did not have full disclosure of the GP records when he prepared his report of 6 December 2022. Although Dr Dhurmad referred at paragraph 3.9 that he considered the appellant's GP medical records, at paragraph 8.3 he recorded that the appellant had been registered with a GP since 2016. However, the GP records exhibited to Dr Dhurmad's report date back to February 2020 and not to 2016. It was open to Judge Parkes to find that the appellant's full GP medical record had not been disclosed as there was a gap of four years.
5. We disagree with the allegation that Judge Parkes erred in failing to attach adequate weight to Dr Dhurmad's psychiatric report. The legal test for interfering in the judge's decision is high in that we need to be satisfied the approach taken was irrational. That threshold is not reached in this case because Judge Parkes has given clear and cogent reasons for his conclusions. In summary, Judge Parkes concluded that there was insufficient new evidence to displace the findings of Judge Young, and that the additional medical evidence, although confirming the appellant's current presentation and diagnosis, was not of sufficient strength to establish causation.
6. We disagree with the allegation that Judge Parkes failed to adequately consider the impact removal might have on the appellant's current mental health condition, or on the appellant's ability to integrate into Sri Lankan society. We can see that at [6] Judge Parkes correctly directed himself to the guidance in AM (Zimbabwe) v SSHD [2020] UKSC 17; [2020] 3 All ER 1003, which he applied at [19] to [21]. At [19], Judge Parkes found that the appellant would be able to rely on return on his wife. At [20] and [21], Judge Parkes found the appellant had not established a lack of appropriate medical services to facilitate his return. These findings were open to Judge Parkes based on the available evidence, looked at in the round.

### **Notice of Decision**

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

**Judge McCarthy**

Deputy Judge of the Upper Tribunal  
Immigration and Asylum Chamber

27 March 2023