



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2022-006655

First-tier Tribunal No: PA/50826/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:

16th January 2024

Before

UPPER TRIBUNAL JUDGE BRUCE

Between

SS

(anonymity order made)

and

Appellant

Secretary of State for the Home Department

Respondent

Representation:

For the Appellant: Mrs B. Jones, Counsel instructed by S.Satha and Co Solicitors
For the Respondent: Ms S Lecointe, Senior Home Office Presenting Officer

Heard at Field House on 3 January 2024

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 him. Failure to comply with this order could amount to a contempt of court.

DECISION AND REASONS

1. The Appellant is a national of Sri Lanka born in 1983. He appeals with permission against the decision of the First-tier Tribunal (Judge Hanbury) to dismiss his appeal on protection and human rights grounds.
2. The appeal is unopposed. The Secretary of State invites the Upper Tribunal to set the decision of Judge Hanbury aside and to remit the matter to the First-tier Tribunal to be heard *de novo* by a judge other than Judge Hanbury. I agree. The fundamental error, briefly stated, was that Judge Hanbury's *Devaseelan* analysis was flawed for a failure to appreciate that when Judge Sacks had made his decision he did not have available to him the psychiatric evidence that now sheds significant light on the Appellant's evidence about his claimed experiences in Sri Lanka.

Decisions

3. The decision of the First-tier Tribunal is set aside.
4. The decision in the appeal will be remade following a *de novo* hearing before a Judge other than Judge Hanbury.
5. There is an order for anonymity.

Upper Tribunal Judge Bruce
Immigration and Asylum Chamber
11th January 2024