



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

Appeal Number: PA/07044/2019

THE IMMIGRATION ACTS

**Heard at Field House
On 24th February 2020**

**Decision & Reasons
Promulgated
On 21st April 2020**

Before

UPPER TRIBUNAL JUDGE JACKSON

Between

**SK
(ANONYMITY DIRECTION MADE)**

Appellant

And

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Z Harper of Counsel, instructed by Wimbledon Solicitors

For the Respondent: Ms R Bassi, Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant appeals with permission against the decision of First-tier Tribunal Judge Maka promulgated on 13 November 2019, in which the Appellant's appeal against the decision to refuse his protection and human rights claim dated 11 July 2019 was dismissed.
2. The Appellant is a national of Sri Lanka who first arrived in the United Kingdom and claimed asylum on 16 May 2008. The application was

refused on 7 October 2008 and the appeal against refusal dismissed on 19 November 2008. The Appellant made a series of further submissions to the Respondent which were all refused up to the latest further submissions made on 31 October 2018. The Appellant's claim, in summary, is that he is at risk of persecution on return to Sri Lanka as a member of the LTTE and because of his sur place activity in the United Kingdom, including as a radio journalist, attending protests and as a member of the TGTE. The Appellant claims to suffer from poor mental health with PTSD and depressive episodes.

3. The Respondent refused the application the basis that the Appellant would not be at risk on return to Sri Lanka. The Respondent placed reliance on the decision dismissing the Appellant's appeal against the original refusal of asylum in 2008 and found that that Appellant did not have any prior involvement with the LTTE and at its highest, he was a low level member of the TGTE. The Appellant does not have any established family life in the United Kingdom for the purposes of Article 8 of the European Convention on Human Rights and he did not meet the requirements in paragraph 276ADE of the Immigration Rules in relation to private life; nor were there any exceptional circumstances to warrant a grant of leave to remain. Finally, the Respondent considered the Appellant's mental health but found that the high threshold for a grant of leave to remain on this basis had not been met and there was treatment available on return as well as family support.
4. Judge Maka dismissed the appeal in a decision promulgated on 13 November 2019 on all grounds. In essence, the First-tier Tribunal did not find the Appellant to be credible and at its highest, he was involved at a low level in sur place activity for the purpose only of bolstering his protection claim. The First-tier Tribunal gave little weight to the medical evidence, the reasons for which I return to below.

The appeal

5. The Appellant appeals on three grounds. First, that the First-tier Tribunal failed to have proper regard to the medical evidence before it, which contained consistent evidence from different professionals. Secondly, that the First-tier Tribunal failed to make sustainable findings on risk from the Appellant's sur place activities; including a failure to take into account all of the evidence and a failure to consider that the TGTE was a proscribed organisation such that it was not necessary for a person to be high level to be at risk. Finally, that the First-tier Tribunal erred in its approach to suicide risk on return to Sri Lanka in light of the evidence as to whether the Appellant's mother is a sufficient protective factor; the impact on return and the lack of facilities and treatment available on return.
6. At the oral hearing, Counsel for the Appellant relied on the written grounds of appeal and amplified them in oral submissions. In relation to the first ground, it was submitted that the reasons upon which the First-tier Tribunal did not accept the accuracy of the psychiatric report from Dr

Okon-Rocha were flawed, specifically, that Dr Okon-Rocha had not been provided with a copy of the previous Tribunal decision but the reasons for refusal letter had been provided which set out the material parts of this decision; and that Dr Okon-Rocha had not been given a full picture of the Appellant's diaspora activities, but had in fact confirmed knowledge of these in section 4.3.2 of her report.

7. Further in relation to the first ground of appeal, Counsel submitted that the First-tier Tribunal had failed to have regard to the consistency of medical evidence available from different sources, including the psychiatrist report, his GP who had been responsible for his initial care for ten years and from a Senior Cognitive Behavioural Therapist. The GP evidence was rejected on the basis that the GP was not a specialist, however, the GP had longstanding involvement with the Appellant and knowledge of his suicide attempt. The therapist's report was corroborative and carried weight even if they had not been told of the past adverse credibility findings from the previous Tribunal.
8. In relation to the second ground of appeal, it was submitted that the First-tier Tribunal failed to consider all of the evidence in relation to the Appellant's sur place activities; specifically a second letter from the Deputy Minister of Political Affairs for the TGTE which did, unlike the first letter referred to in the First-tier Tribunal's decision, state what activities the Appellant undertook and at which events; and the public nature of the Appellant's involvement, having been named in newspaper reports and TGTE material. Further, that in any event the First-tier Tribunal failed to assess the significance of the sur place activities and the significance of the TGTE being a proscribed organisation, such that it did not matter whether his involvement was only at a low level. The First-tier Tribunal failed to assess in accordance with the Court of Appeal's decision in UB (Sri Lanka) v Secretary of State for the Home Department [2017] EWCA Civ 85, first whether the Appellant was a TGTE member and secondly, whether he would be detected as a member by the Sri Lankan authorities.
9. Finally, in relation to the second ground of appeal, it was submitted that the First-tier Tribunal erred in equating the circumstances of the Appellant's family members with his, although they did not claim to be personally at risk.
10. As to the third ground of appeal, it was submitted that the First-tier Tribunal failed to make sustainable findings of fact in relation to the medical evidence and failed to properly assess the risk of suicide on return in accordance with the decision in J v Secretary of State for the Home Department [2005] EWCA Civ 629. The First-tier Tribunal found that the Appellant's mother would be a protective factor, however the underlying medical evidence from Dr Okon-Rocha was that it was not possible to state confidently that the Appellant's mother would be a sufficient protective factor. In relation to the availability of medical treatment on return, the First-tier Tribunal failed to take into account the evidence as to this in GJ and others (post-civil war: returnees) Sri Lanka CG [2013] UKUT 00319

(IAC) and in [2013] UKUT 00319 (IAC) and in Y and Z (Sri Lanka) v Secretary of State for the Home Department [2009] EWCA Civ 362 about the shortage of psychiatric and mental health provision in Sri Lanka with nothing to suggest in significant improvement in facilities since then.

11. On behalf of the Respondent, Ms Bassi submitted on the first ground of appeal that the First-tier Tribunal were factually correct in that the psychiatrist had not been provided with a copy of the previous Tribunal decision and even if this was relied on in part in the reasons for refusal letter, the report itself fails to engage at all with the previous adverse credibility findings. There is no consideration in the report as to whether there was any alternative explanation for the symptoms or whether they were being feigned or exaggerated. It is also of relevance that Appellant had not relied on any mental health difficulties at all in submissions to the Respondent until 2013, despite stating that these first arose in 2009.
12. Further in relation to the medical evidence, it was open to the First-tier Tribunal to find that the GP was not a specialist and in any event, the letter from the GP was significantly lacking in detail as to the Appellant's mental health and treatment.
13. On the second ground of appeal, Ms Bassi submitted that the failure to expressly refer to the second TGTE letter and other evidence was not material as this evidence was not material to the rejection of the Appellant's claim to be at risk on return due to his sur place activity. It is of note that no one attended the hearing on behalf of the TGTE to give evidence for the Appellant in his appeal and the evidence that was before the First-tier Tribunal was inconsistent in a number of respects. In any event, the Appellant had only joined the TGTE in March 2018 and overall, the First-tier Tribunal was entitled to find that the Appellant was only a low-level member, taking all of the evidence into account. It was submitted that at its highest, the Appellant had not shown that he had a significant role nor that he posed any significant destabilising risk to the unity of Sri Lanka in accordance with the risk factors in GJ.
14. On the third ground of appeal, Ms Bassi noted that the psychiatrist did not say that the Appellant's mother was not a sufficient protective factor. Further, there was evidence in the reasons for refusal letter about the availability of mental health treatment in Sri Lanka which post-dates GJ and provided more up to date evidence upon which it was open to the First-tier Tribunal to conclude that treatment would be available on return.

Findings and reasons

15. I consider the first and third grounds of appeal together given that they both concern the First-tier Tribunal's assessment of the medical evidence in relation to the Appellant and consequent risk on return, including for purely medical reasons. The Appellant relied on the medical evidence before the First-tier Tribunal in two different ways, first, in support of his credibility and when considering the earlier adverse findings of the

Tribunal in accordance with *Devaseelan* and secondly, as a free standing claim under Articles 2, 3 and 8 of the European Convention on Human Rights.

16. On the first point, the skeleton argument before the First-tier Tribunal specifically refers to the previous Tribunal not having had the benefit of the psychiatric evidence now available this *“is corroborative of A’s detention and torture”* and relevant to the assessment of the Appellant’s evidence. The Appellant relied on the consistent view of a number of different professionals (including a Consultant Psychiatrist, a Senior cognitive behavioural therapist and his GP) that his symptoms were consistent with a diagnosis of PTSD. Specific reliance was placed on Dr Okon-Rocha’s view that the Appellant developed PTSD following the trauma suffered following his detentions by the Sri Lankan authorities; identifying a pre-trauma risk factor as his father’s death and post-trauma factors including the Appellant’s uncertain immigration status.
17. The First-tier Tribunal correctly sets out the previous Tribunal findings in accordance with *Devaseelan* and the earlier conclusion that the Appellant had not been detained or tortured by the authorities in Sri Lanka in either 2006 or 2008 (paragraphs 53 to 58 of the decision) and notes in paragraph 60 that the Appellant does not deal with the earlier findings at all, even to deny them. The Appellant did however continue to rely on his previous account, as acknowledged and dealt with in paragraph 60 with reference to the earlier findings. The First-tier Tribunal states that in conclusion in paragraph 61 that *“I am satisfied, I have not been provided with any additional evidence which undermines the original Immigration Judge’s decision. I do not accept there is any valid or evidence basis for me to depart from these findings.”*
18. The decision goes on then to expressly consider the Appellant’s mental health and whether this had any impact on the previous findings made, but the evidence on this point is treated with caution. The decision states as follows:

“62. ... In so far as the Appellant seeks to link his mental health and depression to alleged persecution back in Sri Lanka, I am satisfied this again is evidence I am entitled to treat with caution given the Appellant was ably represented at the time and could easily have adduced medical evidence before the original Immigration Judge. I also note the Appellant made no mention of any mental health issues in his subsequent submissions in 2011, 2012 and 2013.

63. I note Dr Okon-Rocha states the Appellant went to his GP and was prescribed medication in 2009. He said his mental health became significant in 2009. If so, I have been given no satisfactory explanation why his mental health was not mentioned in his further representations in 2011, 2012 and 2013. I also note Dr Okon-Rocha was not given the previous Immigration Judge’s decision or told about his findings as regards

to the Appellant's credibility. To this extent, I find she was given incomplete information relating to the Appellant's background on which to write a report given he had already been found to have fabricated an arrest and detention by a Court of law. I am satisfied this affects the accuracy of the report since Dr Okon-Rocha was not given the complete information relating to the Appellant's past beyond his refusal letter."

19. The First-tier Tribunal was correct in paragraph 63 to identify that Dr Okon-Rocha was not given a copy of the previous Tribunal's decision in relation to this Appellant (her report confirms that this was not one of the documents provided with the instructions) but not entirely correct in stating that neither was she told about the findings in relation to the Appellant's credibility; given that these were, to a large extent, reflected in the Respondent's reasons for refusal letter which was provided with the instructions. However, the more important point is that whether or not she was provided with partial information as to the previous decision within another document, that the issue is not dealt with or considered in the report at all. This is important because the report proceeds on the basis that the past account of detention and persecution in Sri Lanka is true and without any further analysis of the same (particularly in light of contrary findings having been made earlier), that is then identified as the cause of PTSD. The failure to address the previous adverse credibility findings is all the more important in the context where a separate past traumatic event is identified (the Appellant's father's death and personal experience of seeing his body recovered from a well) but only as a pre-trauma risk factor as opposed to any assessment made as to whether this, or post-trauma risk factors were actually the cause of reported symptoms.
20. In all of these circumstances, it was open to the First-tier Tribunal to proceed with caution in relation to the medical evidence and to attach little weight to it within the Judge's findings on risk on return to Sri Lanka for asylum reasons (in relation to his claim of past persecution) because the accuracy of the report of Dr Okon-Rocha was undermined by the failure to consider expressly the previous adverse credibility findings and other potential causes for the PTSD symptoms reported. In any event, in these circumstances, it is clear that the report from Dr Okon-Rocha could not be corroborative of the Appellant's claim of past detention and persecution and as recorded by the First-tier Tribunal, the Appellant did not address the previous findings nor was there any other evidence or information to undermine those.
21. The decision returns to consideration of the medical evidence in paragraph 69 as follows:

"69. ... I note the extent to which the Appellant was able to obtain and arrange e-signatures from 89 people at various locations despite stating to Dr Okon-Rocha (at 4.3.3) he hardly went out and preferred to stay at home and was mostly accompanied. I am satisfied Dr Okon-Rocha was again not told

the complete picture and the Appellant's activities and his evidence on how he collected these signatures shows someone confident in conversing with others and being able to talk to them for him to convince them to sign an e-petition. I also do not accept the Appellant was mostly accompanied if on his own evidence he was 'living on his own' as his brother in law and sister were at work most days. This did not stop him from going out or attending events at different places in and around London."

22. Here the First-tier Tribunal's decision identifies a further discrepancy in Dr Okon-Rocha's report as to the Appellant's reporting to her (repeated elsewhere in the evidence) that he hardly goes out and is socially isolated but at the same time basing his sur place claim on activities entirely contrary to that. At paragraph 4.3.2 of the report, it is recorded that the Appellant told Dr Okon-Rocha that he attended various diaspora protest rallies and was actively advocating human rights for Tamils. However, at paragraph 4.3.3 of the report it was recorded that:

"... He feels tired and lacks the motivation to do things. He experiences daily flashbacks. He prefers to stay at home and hardly goes out on his own but mostly accompanied. He is socially isolated. He gets anxious when he sees Policemen, Army people or any uniformed personnel on the street. ..."

23. Whilst the decision refers to Dr Okon-Rocha not having been given a complete picture by the Appellant, the key point is the obvious discrepancy between these two positions which is not expressly dealt with by Dr Okon-Rocha, nor is any assessment made of the contradictory reporting when assessing symptoms or cause. The fact that there was some report to Dr Okon-Rocha of claimed sur place activities again fails to address the real issue that the report does not deal with the discrepancy or consider at all the contradictory reports. It was open to the First-tier Tribunal to find that this also undermined the accuracy of the report and the Appellant's credibility on symptoms and/or sur place activities.
24. For these reasons, I find no error of law on the first ground of appeal as to the First-tier Tribunal's assessment of the medical evidence. The fact that there is a consistent view of the symptoms reported of PTSD does not mean that these were caused by detention and/or persecution at the hands of the Sri Lankan authorities, nor that it provides any corroboration of that claim such that the findings of the previous Tribunal should not stand in accordance with the principles in *Devaseelan*.
25. The third ground of appeal concerning the First-tier Tribunal's assessment of the risk of suicide on return to Sri Lanka and whether sustainable findings were made in accordance with J follows on from this ground. In particular, because of the need to assess whether the fear on return is objectively well founded or if not, subjectively well founded

because of past persecution even if there is no current risk of persecution on return.

26. Further to the findings that the Appellant would not be at risk of ill-treatment or persecution on return to Sri Lanka such that he did not fall within the Refugee Convention nor would there be any breach of Articles 2 or 3 of the European Convention on Human Rights, the First-tier Tribunal went on to consider the Appellant's mental health in paragraph 75 onwards of the decision. The keys parts of this are as follows:

"75. I have considered the medical evidence as a separate assessment in its own right as well given the suggestion of a suicide risk. I have already made various references to Dr Okon Rocha's report. I place little weight on this given she was not given the whole picture on the Appellant. She has therefore not been able to faithfully discharge her duty (through no fault of her own) to give an independent unbiased report because she was never told this Appellant had already been found to have lied by a Court of law. She was also told this Appellant was mostly accompanied and stayed at home, whereas all the evidence shows otherwise. I do not accept the Appellant's explanation he was advised to attend these events and demonstrations as this is not mentioned by Dr Okon Rocha in her report.

76. I do not accept Dr Okon Rocha's conclusions that the Appellant's memories and nightmares arise because of his past experiences in Sri Lanka. Had Dr Okon Rocha been told his account had been rejected, she would reasonably have the very real alternative possibilities that the Appellant's nightmares and traumas are because he does not want to go back to Sri Lanka.

77. I do not accept the Appellant is a high suicide risk if faced with removal. This is merely Dr Okon-Rocha's opinion given the Appellant has not been removed (for some time now). I note his mother and sister are protective factors. There is nothing stopping them from travelling with him and the family returning back with the Appellant to minimise any concerns. I note the Appellant is not receiving any therapy. He has good insight and awareness and good cognition skills for him to be called to give evidence. ... I do not accept the suicide risk based on a perceived risk of ill-treatment in Sri Lanka, which was entirely rejected. Nor do I accept the act of removal itself is a breach of Article 3 ECHR. The Appellant is responding to treatment. I am satisfied a managed removal is entirely feasible. I find psychiatric treatment and medication is available for the Appellant in Sri Lanka, which he can access and organise with the assistance of his mother, aunt and sister, who frequently travel there."

27. The decision goes on in paragraphs 78 to 80 to attach little weight to the GP report given the lack of specialism and little weight to Dr Cooray's

report which is undermined by the fact it was not written for the purposes of evidence in an appeal nor was it based on a full or consistent picture of the Appellant's claim and history.

28. In terms of the GP report, whilst the Appellant has been a patient with the same GP for ten years, the First-tier Tribunal was correct to say that they GP is not a mental health specialist and in any event, it is a very short letter containing almost no detail as to the Appellant's mental health or history. For the latter reason alone it does little to support the Appellant's claim.
29. In relation to protective factors, the Appellant's family and specifically his mother are identified as a protective factor by Dr Okon-Rocha and also by Talk Wandsworth, who identify the potential devastating effect on the Appellant's mother as a protective factor. Whilst Dr Okon-Rocha's view was that she could not confidently state that the Appellant's mother would be a sufficient protective factor, it is also notable that conversely, she did not say that she would not be. On the evidence before the First-tier Tribunal and in particular the way in which the assessment was phrased, it was open to the First-tier Tribunal to include in its assessment of suicide risk, the likelihood of a family as a protective factor both for actual removal and on return to Sri Lanka; amongst the other factors of no objective risk on return or past persecution and the availability of treatment on return.
30. Although the First-tier Tribunal does not expressly refer in order to the principles in J in the final section of the decision, the questions raised therein, as supplemented by the additional factor in Y and Z, are all considered in substance and materially taken into account. In particular, when read as a whole, the decision deals with the severity of the Appellant's condition and treatment; the availability of mental health treatment and support as an effective mechanism to reduce the risk of suicide; family support and importantly, the causative link and the lack of any objective fear of persecution on return to Sri Lanka, nor was there any past persecution upon which the subjective fear could reasonably be based either. It is of note that in Dr Okon-Rocha's report at paragraph 15.3 she refers to *"if [A's] fears with regards to the possibility of his arrest in Sri Lanka are real, and one should take into account his subjective beliefs and fears, his symptoms of PTSD are likely to worsen further ..."*. The opinion is of course conditional on the very assessment made by the First-tier Tribunal as to the genuineness, objectively and subjectively of the Appellant's fears. Overall, the First-tier Tribunal has reached a conclusion on the medical evidence and in accordance with the principles in J and in Y and Z which was open to it on the evidence.
31. The second part of the third ground of appeal is that the First-tier Tribunal failed to take into account evidence in GJ and Y and Z as to the shortage of psychiatric and mental health provision in Sri Lanka and there was an absence of any more recent evidence to show that the situation had improved. This point was expressly dealt with in paragraph 81 of the

decision as to the historic position in Sri Lanka with no meaningful evidence before the First-tier Tribunal that the situation remained the same. In addition, the Respondent's decision letter set out more recent evidence, including from the 'Response to Country of Origin Information Request' with regards to PTSD dated 22 February 2018 and the MedCOI repose dated 19 November 2017 which listed inpatient and outpatient treatment and medication available. There was therefore sufficient evidence before the First-tier Tribunal upon which it was open to the Judge to conclude that there is treatment available in Sri Lanka (and family to support the Appellant to access it) as well as effective mechanisms in place to reduce the risk of suicide and a meaningful likelihood that the Appellant could benefit from psychiatric treatment in Sri Lanka.

32. For these reasons, there is no material error of law on the third ground of appeal either.
33. The second ground of appeal concerns the First-tier Tribunal's assessment of risk to the Appellant on the basis of his membership of and activities for the TGTE. The findings in relation to this are set out in paragraphs 66 to 70 of the decision, in which it is noted that no one from the TGTE attended to give evidence on behalf of the Appellant and that there was little information as to his activities in the letter from them. Little weight was attached to TGTE membership card. In paragraph 68, little weight was attached to the evidence of the Appellant's witness given it was inconsistent with the Appellant's claim as to when he joined the TGTE and due to his general lack of knowledge.
34. The First-tier Tribunal went on to find as follows:

"69. I am satisfied the photographs of participation merely show the Appellant attending events organised by others. I do not accept he is some activist as stated in the TGTE letter. If he was, I find he would have joined a lot earlier. I do not accept merely by wearing a high visibility jacket or a TGTE T-shirt that the Appellant is somehow one of the main organisers. I find he is a low-profile member. He is not an organiser or a leader. I find his motive for engaging was to enhance his claim to remain here given he only joined in 2018 after exhausting all other avenues of remaining here. The photographs of him outside a temple does not show what message he is trying to get across. A sports day event or memorial event are merely cultural events. ...

70. I am satisfied there is no evidence the Sri Lankan authorities are interested in this Appellant. I do not accept that the Sri Lankan authorities are aware of his involvement and are interested in him. I do not accept this Appellant is in any risk category and would not be perceived to have been involved in any Tamil separatism or destabilising activity. I do not accept that he is on some watch list or wanted list. I am comforted in this by the fact his mother has feely travelled in and out of the country, the last time being in 2015. I am satisfied her coming

here does show she has no concerns or fears from the authorities despite the claim that she was asked to sign on and questioned in 2013. I note there is no arrest warrant produced and despite the newspaper articles allegedly printed in Sri Lanka, the authorities have not questioned or warned or visited the Appellant's mother over his activities in the UK. I do not accept that this is because his mother is somehow old or suffers with medical problems. I note her statement (pages 24-26) do not mention any ill-health issues and I have no medical evidence from her. I am satisfied if she were fearing for her life or there was any concern, she would also have sought asylum or remained behind with her son in the UK. I place little weight on her evidence and find the newspaper articles sent by her to be unreliable evidence obtained in Sri Lanka, which she has obtained, out of the goodness of her heart, to assist her son in the UK given his predicament."

35. The First-tier Tribunal did not in its decision expressly refer to the second letter from the TGTE as to the Appellant's claimed sur place activities and attached little weight to the first letter, in part, because it lacked detail as to the same. However, the claimed activities were referred to in substance in the decision, including the protests, petition signatures, sports day and memorial events and findings were made on that evidence as to the nature and level of the Appellant's involvement. Little weight was also attached to the evidence from the TGTE because no person from that organisation attended to give oral evidence, a point which applies equally to the weight to be attached to the second letter even if it cured the deficiency in lack of detail in the first. I do not find that there was any material error in failing to expressly refer to the second TGTE letter or that its express consideration could have led to any different findings as to the Appellant's involvement in the organisation.
36. The Appellant also appeals within the second ground that the First-tier Tribunal failed to assess the significant of the TGTE being a proscribed organisation and as such it was irrelevant as to whether his activities were low level and further failed to assess the situation in accordance with UB (Sri Lanka). Whilst the decision does not expressly deal with the point that the TGTE is a proscribed organisation, it does expressly deal with both of the questions raised in paragraph 24 of UB (Sri Lanka), first by finding that the Appellant joined the TGTE in 2018 and secondly, with the findings in paragraph 70 specifically that he would not be detected as a member by the Sri Lankan authorities on return with reasons given for that, with reference to the evidence of the Appellant's sur place activities and newspaper reports. In these circumstances, I do not find that the failure to consider expressly the fact that the TGTE is a proscribed organisation is a material error of law because in any event, sufficient reasons are given as to why the Appellant would not be identified as a member in any event. If not identified by the authorities as a member (at any level, regardless of whether only a low level member as found), then he would not be at risk on return for this reason.

37. For these reasons I find no material error of law on the second ground of appeal.

Notice of Decision

The making of the decision of the First-tier Tribunal did not involve the making of a material error of law. As such it is not necessary to set aside the decision.

The decision to dismiss the appeal is therefore confirmed.

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



Date

9th April 2020

Upper Tribunal Judge Jackson

NOTIFICATION OF APPEAL RIGHTS

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:

2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically)**.

3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically)**.

4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically)**.

5. A "working day" means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.

6. The date when the decision is “sent’ is that appearing on the covering letter or covering email