



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

Appeal Number: AA/08025/2014

THE IMMIGRATION ACTS

**Heard at Bradford
On 30th April 2015**

**Determination Promulgated
On 29th May 2015**

Before

UPPER TRIBUNAL JUDGE D E TAYLOR

Between

**MD NASIM UDDIN
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr F Tetty of Counsel instructed by Morgan Dias
Immigration Consultants Ltd

For the Respondent: Mrs R Pettersen, Home Office Presenting Officer

DECISION AND REASONS

1. This is the appellant's appeal against the decision of Judge Chambers made following a hearing at Manchester on 9th January 2015.

Background

2. The appellant is a citizen of Bangladesh born on 1st February 1988. He arrived in the UK as a student on 21st January 2010 with leave to remain until 24th October 2013. He returned to Bangladesh in September 2011 and stayed for two months. He returned to the UK and entered

Bangladesh for a second time on 20th April 2012. His right to remain in the UK as a student was curtailed due to non-attendance. He returned to the UK on 2nd October 2013, was detained, and claimed asylum three days later.

3. The appellant's claim is based on his involvement with a student political group in 2000 and, as a consequence of his involvement with the organisation, the Awami League supporters tried to kill him several times. He was appointed chairman of the village branch of Jamaat-e-Islami. Awami League supporters took away some of his land and property and although the local Panchayat President ruled in his favour Awami League supporters did not comply with the ruling and did not return his property. Criminal charges were fabricated against him. He was not attacked when he was a student in Dakar between 2008 and 2010 but he was in his home area by members of the Awami League in August and September 2013.
4. The judge said that the difficulties over the land arose as long ago as 1990 when the appellant was probably around 2 years old. He was not satisfied that the family were being targeted by a political party in relation to the land seizure and although he was indirectly a victim of the land dispute it was the adult male members of the family who were dispossessed. He concluded that, to put the claim at its highest, wrong had been perpetuated against the family and the appellant had been denied the chance of inheriting ancestral land. The failure to recover the land from local owners was not, however, a problem brought about by members of the Awami League.
5. The appellant claimed to be a local chair of the Jamaat-e-Islami continuing in the party at Dakar University. The judge found the lack of interest by the Awami League in him when he was a student to be somewhat surprising. His account of living uneventfully during his university years did not sit easily with his claimed political profile.
6. The judge recorded that the appellant did not seek international protection when he came to the UK as a student in 2010 and returned to Bangladesh on two occasions during the currency of his student visa.
7. The judge took into account a number of documents which he said included translations of documents from political organisations, a lawyer in Bangladesh, various complaints and letters to the police, summonses and translations and First Information Reports. He said that he had considered the documents in the round in the light of the totality of the evidence but did not find that the documents supported the claim to have been persecuted.
8. The judge also considered the medical evidence which he said supported the strong possibility that the appellant had been beaten up in his home area but he discounted the appellant's account that the attack was politically motivated. In his view the appellant had dressed up a stale local land dispute and set it against a background of politics in Bangladesh

9. Even if the appellant would face persecution in his home area, which was not accepted, he could reasonably expect to relocate to somewhere else, specifically Dakar where he lived for two and a half years without difficulty.
10. The judge also took into account the appellant's medical history, including a psychiatric report and the letter from the appellant's GP. He had a background history of possible schizophrenia or paranoid depression but it was clear that if further treatment was necessary he could continue to receive it in Bangladesh. He concluded that there was no real risk of any breach of Article 3.

The Grounds of Application

11. The appellant sought permission to appeal on the grounds that the judge had been inconsistent in his reasoning. At one point of the determination he had found that the appellant was prevented from inheriting his ancestral land and yet at another that there was no evidence to suggest that he would have succeeded his father and inherited the land. He had not made a clear finding in relation to the documentary evidence and had not taken into account the appellant's explanation for his return to Bangladesh in 2012 which was that he was mentally unwell at the time and believed he was going to die. He returned to Bangladesh in order that his burial rites take place there.
12. Permission to appeal was granted by Judge Lewis on 24th February 2015 for the reasons stated in the grounds.
13. On 16th March 2015 the respondent served a reply defending the determination.

Submissions

14. Mr Tetty relied on his grounds and in particular submitted that it was not clear why the judge had not accepted the documentary evidence. His rejection of the documents was generalised and unreasoned.

Findings and Conclusions

15. There is no error of law in this determination. It is absolutely clear that the judge was entitled to find that this was a local dispute which the appellant had pursued through the local courts and there was no evidence of a political motive behind it.
16. There was no requirement on the judge to go through each and every document. It is clear that the judge took them into account in the context of his findings as a whole.
17. The starting point for the judge's considerations is the fact that the appellant failed to claim asylum on arrival in the UK, returned to Bangladesh during the currency of his visa when he had no reason to do

so and only claimed that he was at risk of persecution after he had been detained. It is not a material error for the judge not to have recorded the oral evidence that he returned to Bangladesh because he thought that he was going to die, particularly as this is not quite what he said in his witness statement when he said that he was suffering from depression from 2011. There is no mention of the present claim that he returned because he wanted to be buried in Bangladesh.

18. In any event the judge's conclusions on the reasonableness of relocation are unassailable. On the appellant's own evidence he lived in Dakar for two and a half years as a student without experiencing any difficulties whatsoever. This is plainly a wholly unmeritorious claim. The judge's determination is detailed and fully reasoned. His conclusions were plainly open to him. There is no proper basis for challenging it.

Notice of Decision

The original judge's decision shall stand. The appellant's appeal is dismissed.

No anonymity direction is made.

Signed

Date

Upper Tribunal Judge Taylor