



IAC-FH-NL-V1

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

Appeal Number: AA/08824/2015

THE IMMIGRATION ACTS

**Heard at Field House
On 23 February 2016**

**Decision & Reasons Promulgated
On 9 March 2016**

Before

**Upper Tribunal Judge
John FREEMAN**

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**M M A
(temporary anonymity direction)**

Respondent

Representation:

For the appellant: Mr Nigel Bramble

For the respondent: *Russell Wilcox*, counsel instructed by Amazon Solicitors

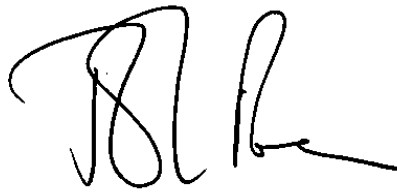
DECISION AND REASONS

This is a Home Office appeal against the decision of Judge Michael Hanley, sitting at Harmondsworth on 13 November 2015, allowing an asylum appeal by a citizen of Bangladesh born in 1984.

2. The appellant claimed that he faced a Convention risk as a converted Christian, married to a Muslim girl, on his return to Bangladesh on the basis of what had happened when he returned there in 2013, having been converted to Christianity in this country. The appellant says he was unaware that his family knew about that, and the judge allowed his appeal on the basis of evidence of emails and telephone calls he had received from his family while he was in Dacca, which were vouched for, so far as they could be, by a lady called Miss Rosemary Whipp, who is a lay reader in the church where he was baptized in this country. There was no issue on Miss Whipp's evidence and, entirely reasonably on the part of the Presenting Officer and the judge, she was not called to confirm the statement which she had signed on 23 October last year.
3. Although the judge describes what Miss Whipp says as corroborating the appellant's evidence, in fact everything she says is about material, whether statements or e-mails, which came from the appellant himself. However, the salient point on this part of the case is that there is no evidence, at least no evidence referred to by the judge, to show that the appellant's family were actually aware of his whereabouts in Dacca. Dacca, it is agreed, is a city of nearly 7,000,000 people, and there was obviously more to be said on the general question of internal flight than could reasonably be decided simply on the basis of the e-mails.
4. It is accepted both that the appellant had genuinely converted to Christianity and that he entered into a marriage in Bangladesh on 6 January 2014 and that the appellant would be at risk from his family in his home area. However that leaves open two questions: first, could they find him in Dacca or in one of the Christian communities in Bangladesh which are mentioned in his answer to question 167 of his interview? If the appellant's family would have been reasonably likely to find him in any of those places, then he might be entitled to protection on that basis; but that is not a question which the judge could properly treat as resolved simply by the electronic contact between him and them, which ceased after he had changed his number.
5. The other question is whether the appellant as a Christian married to a Muslim girl would be at risk in Bangladesh generally. That question which can only be properly answered by dealing with the questions posed by the Supreme Court at paragraph 82 of *HJ (Iran) & HT (Cameroon)* [2010] UKSC 31. That decision is only referred to by the judge at the end of paragraph 47, and only on the well-known principle, which appears elsewhere, that no-one is required to conceal his religious beliefs in order to avoid persecution.
6. There was a good deal more in paragraph 82 of *HJ (Iran)* that needed to be dealt with, and that will have to be done in a fresh hearing in the First-tier Tribunal before another judge.

Appeal allowed

**Fresh hearing in First-tier Tribunal, not before Judge Hanley
Anonymity extended till further order by hearing judge**

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(a judge of the Upper Tribunal)