



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

Appeal Number: PA/01001/2015

**THE IMMIGRATION ACTS**

**Heard at Field House**

**On 5<sup>th</sup> May 2016**

**Decision & Reasons  
Promulgated  
On 7<sup>th</sup> June 2016**

**Before**

**UPPER TRIBUNAL JUDGE ALLEN**

**Between**

**M H  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr S Harding, Counsel, instructed by Fadiga & Co Solicitors  
For the Respondent: Ms J Isherwood, Home Office Presenting Officer

**DECISION AND REASONS**

1. This is an appeal against the decision of First-tier Judge Hussain, who dismissed [MH]'s appeal against the respondent's decision of 26 August 2015 refusing his asylum claim.

2. The judge accepted that the appellant had converted to Christianity. I should say in passing that it is particularly relevant that he is a national of Bangladesh and therefore the claim would have to be considered in the context of background evidence regarding risk on return to Bangladesh as a Christian and as a Christian convert, and Mr Harding refers back to the skeleton argument that was before the judge and emphasises the two particular ways in which he contends that the judge went astray in this case. The first of those is failure to assess the case on the basis that [MH] was a convert rather than having been a Christian throughout his life and also failing to assess the claim on the basis of the HJ (Iran) test as to whether he would feel free to practise his religion on return. The judge addressed these matters, or at least addressed matters in the context of the background evidence from paragraph 54 through to paragraph 67.
3. The first point I think is a point which was touched on at paragraph 58, which is the question of the conversion and the background in relation to that. There was background evidence before the judge concerning the risk to converts in Bangladesh. It is a mixture of evidence of that risk to Christians and generally risk to converts.
4. Particularly, the evidence, does indicate that there could be said to be an enhanced level to risk to converts and there are examples given of that. That is not a matter that the judge considered when he went on to consider the background evidence, in particular paragraph 61 onwards. He refers to evidence of the number of Christians, the different denominations, the rights to practise religion freely that people have in Bangladesh, an example from the Country of Origin Information Report about the Awami League occupying land belonging to a Christian mission and efforts being made for a peaceful resolution of that and reference to evidence of attacks against Christians in Bangladesh increasing.
5. That to my mind does not contain an adequate evaluation either of the evidence generally or the evidence specifically on this point, nor is it possible to discern from the judge's decision any effective evaluation of the particular position, the HJ (Iran) position, of the appellant having to be in a position where he can practise his religion freely. Instead, at paragraph 59:

“His claim to be unable to practise his religion in Bangladesh because it is made up of people who are predominantly Muslim is simply outlandish. The background material produced by him does not suggest that there is no freedom for the Christian community to practise their faith, prevented either by the state or the population.”

This does not take the required account of the full picture revealed by the evidence.

6. I have had helpful submissions from Mr Harding about the future conduct of the appeal. It is to be reheard de novo at Hatton Cross. Two hours time estimate. No interpreter.

**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 his 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

Upper Tribunal Judge Allen

07.06.2016