



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

Appeal Number: PA000482017

**THE IMMIGRATION ACTS**

**Heard at City Centre Tower, Decision & Reasons Promulgated  
Birmingham On 14<sup>th</sup> July 2017 On 03<sup>rd</sup> August 2017**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE RENTON**

**Between**

**ABDULLAH AL MAMUN  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr A Khan of Universal Solicitors  
For the Respondent: Mrs H Aboni, Home Office Presenting Officer

**DECISION AND REASONS**

**Introduction**

1. The Appellant is a male citizen of Bangladesh born on 15<sup>th</sup> May 1992. The Appellant first arrived in the UK via Dubai and Cyprus on 24<sup>th</sup> December 2015 when he was given leave to enter as a visitor until 24<sup>th</sup> June 2016. The Appellant applied for asylum on 22<sup>nd</sup> June 2016. That application was

refused for the reasons given in the Respondent's letter of 21<sup>st</sup> December 2016. The Appellant appealed, and his appeal was heard by Judge of the First-tier Tribunal I Taylor (the Judge) sitting at Stoke-on-Trent on 1<sup>st</sup> February 2017. He decided to dismiss the appeal on asylum and human rights grounds for the reasons given in his Decision dated 5<sup>th</sup> March 2017. The Appellant sought leave to appeal that decision and on 9<sup>th</sup> May 2017 such permission was granted.

### **Error of Law**

2. I must first decide if the decision of the Judge contained an error on a point of law so that it should be set aside.
3. The Appellant applied for asylum on the basis that he was a member of the Bangladesh National Party (BNP) and feared both the Government and members of the Awami League (AL). He also feared a man named Faiz Ul Koyes with whom the Appellant had been in business. The Judge dismissed the appeal because he found the Appellant's evidence to be lacking in credibility. At the hearing, Mr Khan submitted that the Judge had erred in coming to that conclusion. He argued that the Judge had failed to consider and make findings upon some material evidence such as a certificate from the BNP, a collection of photographs contained in the Appellant's Bundle, and also various newspaper cuttings. These items and other evidence showed the Appellant to be a leading member of the BNP and to have a high political profile. He would therefore be a target for persecution. Further the Judge had failed to give adequate reasons for his finding that the Appellant was not credible. The Judge had also failed to give due weight to the objective evidence showing that political violence in Bangladesh since the elections of 2014 had increased.
4. Finally, Mr Khan submitted that the Judge had made a procedural error in declining to hear evidence from the Appellant's brother present at the hearing. The Appellant had been unrepresented at the hearing, and the Judge had not considered ordering an adjournment to allow the Appellant to prepare his case more fully.
5. In response, Mrs Aboni referred to the Rule 24 response and argued that the grounds of application amounted to no more than a disagreement with the decision of the Judge. The Appellant was trying to re-argue the appeal. There had been no procedural unfairness. As the Judge noted at paragraph 3 of the Decision, the Judge had afforded the Appellant every assistance at the hearing as the Appellant had been unrepresented. There had been no application by the Appellant to adjourn. The Judge had not declined to hear evidence from the Appellant's brother. On the contrary, it was apparent from paragraph 31 of the Decision that the Judge had invited the Appellant to consider calling his brother to give evidence.
6. Mrs Aboni went on to argue that the Judge had adequately considered all the evidence before him. He had given sufficient reasons for the weight he had attached to each part of the Appellant's evidence. The Judge had

been entitled to draw an inference from the lack of oral evidence from the BNP in the UK. Again, the Judge had dealt with all the documentary evidence and sufficiently explained why he had not attached weight to most of it. Although finding the Appellant's evidence unreliable, the Judge had considered in the alternative the Appellant's claim that he feared Faiz Ul Koyes and concluded that it was reasonable by way of being not unduly harsh for the Appellant to relocate in Bangladesh.

7. I find no material error of law in the decision of the Judge which therefore I do not set aside. The Judge decided the appeal on the basis that he did not believe the evidence of the Appellant, and therefore it follows that the Judge was not satisfied that the Appellant was a member of the BNP. As Mrs Aboni argued, at paragraphs 30 to 42 inclusive of the Decision the Judge carefully and thoroughly analysed all the evidence before him and made a finding open to him as to the credibility of the Appellant. The Judge identified various discrepancies in the evidence of the Appellant which he found to be neither plausible nor credible. The Judge found the evidence of the Appellant to be damaged by virtue of the provisions of Section 8 Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. As part of his analysis of the evidence, the Judge dealt at length with the documentary evidence before him. He gave cogent reasons why he attached little or no weight to it. He also considered the objective evidence. There were no procedural irregularities. As the Judge stated in the Decision, he treated the Appellant as unrepresented. I have read the statements of the Appellant and his brother submitted for the hearing, but I am not satisfied that the Judge prevented in any way the Appellant from calling evidence from his brother by virtue of what the Appellant wrote at paragraph 31 of his Decision. Considering all the arguments of Mr Khan, I find that I am in agreement with the submission of Mrs Aboni that the grounds of application amount to no more than a disagreement with the decision of the Judge and an attempt to re-argue the appeal. For these reasons I find no error of law in the decision of the Judge.

### **Decision**

The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.

I do not set aside that decision.

The appeal to the Upper Tribunal is dismissed.

### **Anonymity**

The First-tier Tribunal did not make an order for anonymity. I was not asked to do so, and indeed find no reason to do so.

Signed

Dated 2<sup>nd</sup> August 2017

Deputy Upper Tribunal Judge Renton