



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

Appeal Number: PA/12878/2016

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 19 May 2017**

**Decision Promulgated  
On 23 May 2017**

**Before**

**Upper Tribunal Judge Southern**

**Between**

**A P I**

**and**

Appellant

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr C. Mannan, of counsel

For the Respondent: Mr K. Norton, Senior Home Office Presenting Officer

**DECISION**

1. The appellant has been granted permission to appeal against the decision of First-tier Tribunal Judge Lal who, by a determination promulgated on 29 December 2016, dismissed his appeal. On behalf of the respondent Mr Norton, realistically, did not attempt to defend the decision of the judge. In those circumstances, I need explain only briefly the nature of the error of law made by the judge that was material to the outcome of this appeal.

2. The appellant did not attend before the First-tier Tribunal and was not represented. He did, though, submit a bundle of documentary evidence running to 278 pages, making clear that he wished to rely upon it. That bundle contained a substantial body of country evidence which was tendered in support of the proposition that there was evidence of an escalating incidence of violence towards Christians in Bangladesh as well as evidence specific to this particular appellant, such as articles published in local newspapers. Despite this, the judge said, at para 23, “there is nothing to suggest in the material before the Tribunal that being a Christian convert would entail a real risk of persecution in Bangladesh for this Appellant”.
3. Although the judge said in his decision that he had regard to this material, there is no discussion or analysis of any of it. The judge did not refer either to the written submissions contained within this bundle between pages 39-48. Had he done so he would have seen the specific reference by the appellant to the fact that he was submitting new evidence not considered at his earlier appeal and that he was saying that this did show that the risks faced by Christian converts was increasing. If the judge did consider this material, we do not know why he did not accept that it provided support for the appellant’s case. Of course, the judge was not bound to accept that the evidence established the case being advanced but if evidence relied upon by the appellant is rejected he is entitled to know why.
4. That is sufficient to establish that the judge made a material error of law and that his decision to dismiss the appeal cannot stand.

Summary of decision:

- (i) The Judge of the First-tier Tribunal made a material error of law error of law and the decision of the judge to dismiss the appeal shall be set aside
- (ii) The appeal to the Upper Tribunal is allowed to the extent that the appeal is remitted to the First-tier Tribunal to be determined afresh.

Signed



Upper Tribunal Judge Southern

Date: 22 May 2017