



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

PA/05370/2018

THE IMMIGRATION ACTS

**Heard at Glasgow
on 6 December 2018**

**Decision &
Promulgated
on 17 December 2018**

Reasons

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

NOWREEN HOSSAIN ASHA

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Ms N Loughran, of Loughran & Co, Solicitors
For the Respondent: Mr A Govan, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. This determination is to be read with:
 - (i) The respondent's decision dated 9 April 2018, refusing the appellant's protection claim.
 - (ii) The appellant's grounds of appeal to the First-tier Tribunal.
 - (iii) The decision of FtT Judge Agnew, promulgated on 1 June 2018.

- (iv) The appellant's grounds of appeal to the UT, 1 - 4, stated in the application for permission to appeal date 18 June 2018.
 - (v) The decision of FtT Judge Hollingworth, dated 12 July 2018, extending time and granting permission.
 - (vi) The respondent's rule 24 response, dated 20 September 2018, to the grant of permission.
2. Ms Loughran (who was not personally the author of the grounds) acknowledged that ground 1 is garbled and misleading. It gives the impression that the judge overlooked evidence from Dr Siddiqi, being an expert witness for the appellant. In fact, the excerpt quoted is taken from SA Bangladesh CG [2011] UKUT 00254, which is the guidance the judge cited and applied. The appellant did not produce an expert report on her case.
 3. The last sentence of this ground repeats assertions made by the appellant to the FtT, which are at odds with the findings of the judge, without showing that anything might be wrong with those findings.
 4. Ground 2 complains that the judge failed to consider "objective evidence" taken from the respondent's Country Policy and Information Note (CIPIN), version 2.0, dated January 2018. This paragraph also runs its quotations together in a way which makes it difficult to follow.
 5. The copy CIPIN relied upon by the appellant in the FtT was incomplete. Mr Govan produced the full version, including the policy which the respondent derives from it, broadly to the effect that country guidance does not require to be changed in light of more recent evidence.
 6. This ground is no more than insistence that the judge should have decided that the evidence required a more generous interpretation. It does not show that the nature of the evidence had changed significantly since the guidance was settled.
 7. Ground 3 says that the judge failed to consider the appellant's explanation why she referred to her partner as her husband when registering at a medical practice.
 8. The judge recorded but did not revisit this passage of evidence. However, there is no indication that he rejected what the appellant said, and the issue had little if anything to do with the outcome. At most, this ground shows that an irrelevant point was left unresolved.
 9. Ground 4, complaining that the appellant was not given the chance to address a point, is hopeless. The paragraph challenged says, "Having noted the discrepancies in evidence, in fairness I put this to the appellant."
 10. While replying to the submissions for the respondent, Ms Loughran observed that although it was not a point taken in the grounds, the appellant did appear to have raised her concerns by letter with the Home

Office in 2015, at an earlier stage that had been appreciated at the FtT hearing, and both sides omitted to produce copies to the FtT. However, even if she did, that shows no error by the FtT on the case before it.

11. The grounds, once disentangled, are mostly irrelevant, and the rest is only insistence and disagreement. They do not show that the making of the decision of the FtT involved the making of any error on a point of law.
12. The decision of the First-tier Tribunal shall stand.
13. No anonymity direction has been requested or made.

A handwritten signature in black ink, appearing to read "Hugh Macleman". The signature is written in a cursive style with a large, stylized initial 'H'.

7 December 2018
Upper Tribunal Judge Macleman