



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

Appeal no: **PA/ 09773/2017**

THE IMMIGRATION ACTS

At **Field House**
On **27.02.2018**

Decision & Reasons Promulgated
On 01.03.2018

Before:

Upper Tribunal Judge **John FREEMAN** and
deputy Upper Tribunal Judge **Satvinder JUSS**

Between:

Mohd. SAIDUR [R]

appellant

and

Secretary of State for the Home Department

respondent

Representation:

For the appellant: Mr Abu Reza, solicitor, JKR Solicitors

For the respondent: Mr S Kotas

DECISION AND REASONS

This is an appeal, by the appellant, against the decision of the First-tier Tribunal (Judge Owusu Abebrese), sitting at Taylor House on 1 November 2017, to dismiss an asylum and human rights appeal by a citizen of Bangladesh, born 1986, who claimed to have a well-founded fear of persecution there as a homosexual.

2. The judge comprehensively rejected the appellant's evidence about being a homosexual in the first place. So far as he relied on his delay in making a claim, he was fully entitled to do so; but that could not be the only reason, where there was any evidence to support it, as to which see *JT (Cameroon) [2008] EWCA Civ 878*.
3. The evidence before the judge is listed at paragraph 5 of the grounds of appeal. The judge's reasons for rejecting it are in the last sentence of his paragraph 20, and the last two of 22. While there would be nothing wrong

NOTE: (1) no anonymity direction made at first instance will continue, unless extended by me.

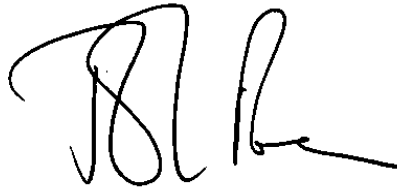
(2) persons under 18 are referred to by initials, and must not be further identified.

with them as general conclusions, fairness required that he should explain how he reached them, which he did not do.

4. Mr Kotas accepted this unsatisfactory feature of the decision under appeal, which leaves us with no alternative but the following:

Appeal allowed: decision set aside

Fresh hearing before First-tier Tribunal, not Judge Abebrese

A handwritten signature in black ink, appearing to be 'JLH', written in a cursive style.

(a judge of the Upper
Tribunal)

Date: 01 March 2018