



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

Appeal Number: PA/12426/2017

THE IMMIGRATION ACTS

**Heard at Field House
On 20 April 2018**

**Decision & Reasons Promulgated
On 08 May 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE ESHUN

Between

[M A]

(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr F Junior, Lawland Solicitors

For the Respondent: Mr N Bramble, Home Office Presenting Officer

DECISION AND REASONS

1. The appellant appeals with leave against the decision of First-tier Tribunal Judge Greasley dismissing his appeal against the decision of the respondent refusing to grant him asylum in the United Kingdom and the decision to move him from the United Kingdom.
2. The appellant is a citizen of Bangladesh born on [] 1982.
3. He claims to have arrived in the United Kingdom in 1995 with his parents. A few days later, he lost his parents but was discovered by a Mr [U] and

Ms [K]. He remained with them and referred to them as grandparents. Mr [U] died in January 2007.

4. The appellant's asylum claim was based on imputed political opinion and religious grounds.
5. The judge concluded that the appellant was not a genuine refugee in need of international protection. He found that his evidence on material matters lacked credibility.
6. In relation to his claimed religious conversion, the judge found that the appellant provided materially inconsistent evidence on core issues.
7. At the hearing before me Mr Junior said he was not pursuing the grounds against the judge's findings on these matters but not resiling from those grounds either.
8. He then went on to say that the only issue in this appeal was in respect of the appellant's appeal under Article 8.
9. In the light of the submissions made by Mr Junior, I find that the judge fully considered the appellant's reasons for claiming asylum on grounds of political opinion and on religious grounds. The judge's findings on those core issues were properly reasoned and adequate. Accordingly, the judge's decision dismissing the appellant's asylum claim on the two matters raised by the appellant shall stand.
10. Mr Junior sought to pursue the appellant's appeal under Article 8. The judge's findings in respect of the appellant's appeal under Article 8 were very brief. The judge found at paragraph 52 that the appellant has not engaged Article 8 right to family or private life in the United Kingdom when considering either the provisions of Appendix FM of the Immigration Rules, or the established principles set out in **Razgar**.
11. The judge found that the appellant has no family in the UK and any right to private life that he may have acquired was done so in the knowledge that the appellant had never been given any leave to remain in the UK at any time. He found that the appellant has shown a blatant disregard for proper immigration control in the UK.
12. The judge at paragraph 53 found that the appellant has resided in the United Kingdom unlawfully over a number of years and he has made previous applications to remain in the United Kingdom, all of which have been refused. He has an adverse immigration history in the United Kingdom. The judge found that the appellant has pursued a fabricated claim for international protection which lacked basic credibility. He said the appellant has shown considerable resourcefulness and independence by living in the United Kingdom over a number of years. Removal would not give rise to a breach of any Article 8 rights in relation to either family

or private life interests. Any medical issues the appellant has can be properly treated in Bangladesh. Nor was there any supporting medical evidence which suggests that any such treatment or medication that the appellant requires is unavailable in Bangladesh.

13. At the hearing before me I questioned whether it was accepted by the respondent or the judge that the appellant did indeed arrive in the United Kingdom in 1995 as claimed by him.
14. Mr Bramble submitted that the Secretary of State at page 17 of her Reasons for Refusal Letter, second paragraph, considered that if the appellant had been residing in the UK since 1995, he would have been able to provide the documentary evidence to support this claim in the form of medical information, banks, utility bills, council tax bills etc. In support of his claimed length of residency the appellant provided a statement from Ms [K] which stated that he has lived with her since the appellant was found by her husband in 1995. The Secretary of State considered that this statement was in itself not sufficient evidence that the appellant has been residing in the UK since his claimed entry in 1995. Mr Bramble submitted that it can be gleaned from the concerns the Secretary of State had in light of this evidence that the Secretary of State did not accept that the appellant entered the UK in 1995. In any event there was no evidence to support this claim.
15. Mr Bramble submitted that the twenty years' requirement in paragraph 276ADE goes to the date of application and backwards. Therefore, we are looking at a period from 31 August 2017 when the appellant made the application to August 1997.
16. Mr Junior accepted that there was no documentary evidence or other evidence to support the appellant's claim that he arrived in the UK in 1995. However, he argued that the judge appeared to accept that the appellant arrived in the UK in 1995 because of what the judge said at paragraph 37. The judge said this:

"I do not find it credible that the appellant, after having recently arrived in the United Kingdom in 1995, and having lost his parents in the UK whilst shopping, would have been merely content to have been effectively adopted by a Bangladeshi couple with whom he would continue to reside for several years in the UK, without at any stage seeking a request for the couple to seek to locate his parents."
17. Mr Junior submitted further that at paragraph 53 the judge's finding that the appellant has resided in the United Kingdom unlawfully over a number of years suggests that the judge was accepting that the appellant has been in the UK since 1995.
18. I was not persuaded by Mr Junior's submissions. The Secretary of State specifically raised her concerns with regard to the appellant's claim that he arrived in the UK in 1995. The respondent considered that the letter from Mrs [K] was insufficient to support the appellant's claim. I find that

the appellant has not sought up till now to submit documentary or other evidence to support his claim. The small bundle of documents he submitted in support of the appeal included a witness statement from the appellant of six pages. It was only in paragraph 7 that the appellant claimed that his parents brought him to the UK in 1995. The rest of the statement was devoted to his claims in respect of his asylum application. The bundle contained no documentary evidence to support his claim that he arrived in the UK in 1995. I find that the judge's assertions at paragraphs 37 and 53 do not amount to an acceptance by him of the appellant's evidence that he arrived in the UK in 1995.

19. In any event, with regard to his private life, the appellant has not submitted any evidence and did not do so before the judge as to what sort of private life he has had for the however many years he has been in the UK. I find that the judge was right to say that the appellant has resided in the UK unlawfully over a number of years and he has made previous applications to remain in the United Kingdom, all of which have been refused. I have no evidence before me as to the quality of his private life over the years in the UK. In the absence of such evidence, it cannot be properly argued that the judge erred in law in his findings in respect of the appellant's appeal under Article 8 of the ECHR.

20. Accordingly, the judge's decision shall stand.

21. The appellant's appeal is dismissed.

Notice of Decision

The appeal is dismissed on asylum and human rights grounds.

No anonymity direction is made.

Signed

Date: 1 May 2018

Deputy Upper Tribunal Judge Eshun