



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

Appeal Number: PA/01571/2019

THE IMMIGRATION ACTS

**Heard at Field House
On 11 October 2019**

**Decision & Reasons
Promulgated
On 20 November 2019**

Before

UPPER TRIBUNAL JUDGE GLEESON

Between

**A M (BANGLADESH)
(ANONYMITY ORDER MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr R Layme instructed by Saint Martin Solicitors
For the Respondent: Mr Steven Kotas, a Senior Home Office Presenting Officer

DECISION AND REASONS

Anonymity

The First-tier Tribunal made an anonymity order. I continue that order pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008: unless the Upper Tribunal or a court directs otherwise, no report of these proceedings or any form of publication thereof shall identify the original appellant, whether directly or indirectly. This order applies, amongst others, to all parties.

Any failure to comply with this order could give rise to contempt of court proceedings.

1. The appellant appeals with permission against the decision of the First-tier Judge dismissing his appeal against the respondent's decision to refuse him refugee recognition, humanitarian protection or leave to remain in the United Kingdom on Article 8 private and family life grounds.
2. The First-tier Judge found the appellant's evidence comprehensively lacking in credibility for the reasons set out in the decision at [46]-[66]. It is plain from the decision that the Judge applied the correct standard of proof and weighed all the evidence which the appellant chose to put before him.
3. For the appellant, Mr Layme accepts that the first ground of appeal, 'a mistake of identifying the correct factual influence that led to significant unresolved issues' is incorrect. The grounds allege that the First-tier Judge failed to make a finding as to whether the appellant was a member of the student wing of the BNP while at university, but in fact there is such a finding at [53] in the First-tier Judge's decision.
4. The second ground of appeal is that it was not open to the court to find an absence of any evidence that the appellant's Facebook posts had brought him to the adverse attention of the authorities in Bangladesh. That finding was unarguably open to the First-tier Judge on the evidence before him.
5. There being no other grounds of appeal, this appeal cannot succeed and is dismissed. The decision of the First-tier Tribunal is upheld.

Conclusions

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 the decision. The decision of the First-tier Tribunal stands.

Signed **Judith AJC Gleeson**
November 2019
Upper Tribunal Judge Gleeson

Date: 15