



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

Appeal Number: PA/13819/2018

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 6 November 2019**

**Decision & Reasons Promulgated  
On 29 November 2019**

**Before**

**UPPER TRIBUNAL JUDGE PERKINS  
HER HONOUR JUDGE STACEY  
(SITTING AS A JUDGE OF THE UPPER TRIBUNAL)**

**Between**

**M J A  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr S Karim, Counsel, instructed by Kalam Solicitors

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

**DECISION AND REASONS**

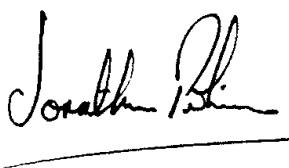
1. Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 I make an order prohibiting the disclosure or publication of any matter likely to lead members of the public to identify the appellant. Breach of this order can be punished as a contempt of court. We make this order because the appellant claims that he is a refugee and so is entitled to privacy.
2. This is an appeal by a citizen of Bangladesh against a decision of the First-tier Tribunal dismissing his appeal against a decision to refuse him international protection.

3. The grounds are extensive and were settled by Mr Michael West of Counsel. Mr Bramble, for the Secretary, of State had had an opportunity of considering the grounds and had indicated to Mr Karim before the hearing that he saw that there were difficulties with the Decision and Reasons.
4. The short point is that the Decision is essentially unsatisfactory and there are two things that leap out by way of illustration.
5. The first is at paragraph 29(iv) where the judge criticises the appellant for giving “inconsistent answers” and says in terms that the appellant had described himself as having “no prior involvement with politics (question 151) and had never had a paid role in the BNP”. This was then said to be contradicted by his own evidence where he had said he had given time to the BNP. This is a potentially good point but it is based on a complete misreading of the evidence. What the appellant said, notwithstanding the use of quotation marks in the judge’s decision, is that he had not been involved at a *national* level. That is an entirely different point and is no reason whatsoever to disbelieve the appellant.
6. The second is at paragraph 39 where there is reference to documents being found unsatisfactory. The judge says, “the documents produced would be difficult to verify [so] that I am unable to accept the documents are credible.” The judge is perfectly entitled to find documents unhelpful and unreliable but the mere fact that they are difficult to verify is not of itself mean that the judge was “unable” to accept that they are not credible. The finding has to be made in the round on all material available. It may be that the documents are unreliable but they are not unreliable for the reason given by the judge.
7. We emphasise that these errors are illustrative of a decision which is essentially unsatisfactory and we have to set aside the decision of the First-tier Tribunal for error of law. Both parties agreed that this has to be heard again in the First-tier Tribunal for full findings to be made. No findings have been preserved.

### **Notice of Decision**

The appeal is allowed. We set aside the decision of the First-tier Tribunal and we direct that the appeal be heard again in the First-tier Tribunal.

Signed  
Jonathan Perkins  
Judge of the Upper Tribunal



Dated 27 November 2019