



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/07958/2019 (V)

THE IMMIGRATION ACTS

Heard remotely at Field House
On 7 August 2020

Decision & Reasons Promulgated
On 18 August 2020

Before

UPPER TRIBUNAL JUDGE FRANCES

Between

A H
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr E Wilford, instructed by Waterstone Solicitors

For the Respondent: Mr S Walker, Home Office Presenting Officer

This has been a remote hearing which has been consented to by the parties. The form of remote hearing was video by Skype (V). A face to face hearing was not held because it was not practicable and all issues could be determined in a remote hearing. The documents that I was referred to are in the Respondent's bundle of 217 pages and the Appellant's bundles of 201 and 255 pages, the contents of which I have recorded. The order made is described at the end of these reasons.

DECISION AND REASONS

1. The Appellant is a citizen of Bangladesh born in 1984. He appeals against the decision of First-tier Tribunal Judge Cockburn, dated 18 March 2020, dismissing his protection claim on asylum and human rights grounds.
2. Permission to appeal was granted by First-tier Tribunal Judge L Murray on the grounds that it was arguable the judge did not engage with a material aspect of the Appellant's case in relation to his brother-in-law and that the judge's treatment of the Facebook evidence was procedurally unfair.
3. It was agreed by the parties that there was an error of law and the decision should be set aside in its entirety under Rule 43 of the Tribunal Procedure (Upper Tribunal) Rules 2008. The judge had clearly failed to engage with the content of the Facebook posts and to consider them in light of the background material and the high profile of the Appellant's brother-in-law. The Respondent accepted the Facebook posts were public and post-dated 2015.
4. I find that the judge erred in law and I set aside the decision dated 18 March 2020. None of the judge's findings are preserved. The appeal is remitted to the First-tier Tribunal for re-hearing.

Notice of decision

Appeal allowed

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of his family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.

J Frances

Signed
Upper Tribunal Judge Frances

Date: 11 August 2020

TO THE RESPONDENT
FEE AWARD

No fee is paid or payable and therefore there can be no fee award.

J Frances

Signed
Upper Tribunal Judge Frances

Date: 11 August 2020