



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

Appeal Number: UI-2022-000521
IA/09685/2021

THE IMMIGRATION ACTS

**Heard at Field House
On 19th August 2022**

**Decision & Reasons Promulgated
On 13th October 2022**

Before

UPPER TRIBUNAL JUDGE KEITH

Between

**NOOR MIAH
(NO ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr M West, Counsel instructed by B Chowdhury Solicitors
For the Respondent: Mr S Whitwell, Senior Home Office Presenting Officer

DECISIONS AND REASONS

1. This is a remaking of the decision in the appellant's appeal against the respondent's refusal of his human rights claim.
2. The gist of the appellant's claim is set out in the error of law decision, which is annexed to these reasons, and which I do not repeat. This Tribunal had set aside the First-tier Tribunal's decision, subject to preserved findings.

The issues in this appeal

3. I identified and agreed with the representatives that the sole issue, for the purposes of the appellant's appeal under Article 8 ECHR, was whether there were very significant obstacles to his integration in his country of origin, Bangladesh, by virtue of his visible hearing impairment. It was visible because it was accepted that he wears hearing aids, which can readily be seen. The relevant law was agreed to be the leading authority of SSHD v Kamara [2016] EWCA Civ 813, which discussed the broad evaluative assessment of whether there would be very significant obstacles to the appellant integrating as an insider. That required an assessment of all the evidence, not least the respondent's current caseworker guidance (Private Life, published on 20th June 2022) to which reference has been made in the error of law decision as well as the Country of Origin Information Report dated 31st August 2013. The gist of the issue, in the context of preserved findings which I will reiterate in this remaking decision, was whether the appellant's visible hearing impediment, in the context of his particular circumstances, namely access to accommodation in Bangladesh and a history of financial remittances in the UK, as well as having spent a substantial period of his life in Bangladesh, meant that he would be able to return as an insider. The core focus of his claim was the level of societal discrimination. The appellant relied on the previous evidence and a report included in a supplementary bundle, as to which no objection was taken for its admission at a late stage, although the expert's credentials and analysis were most certainly disputed. The report was written by Mr Nurul Azim, included at pages [4] to [21] of a supplementary bundle, filed the day before this hearing and which I was provided on the morning of the hearing.
4. I discussed with Mr West, and he agreed that while section 117A and B of the Nationality, Immigration and Asylum Act 2002 applies to all article 8 ECHR cases, none of those provisions added more to the consideration of very significant obstacles to the appellant's integration in Bangladesh. Mr West accepted that the appellant won or lost his appeal on that issue. Mr West did not rely on any other medical condition which the appellant has suffered from, or on article 3 ECHR.

The hearing before me

5. The appellant adopted his written witness statements. There was no additional oral examination-in-chief and his evidence was unchallenged. Mr West confirmed that notwithstanding the absence of a Bengali interpreter which had been specifically requested, he and the appellant were content to proceed with the hearing today and I relied upon their assurances to do so or, if they encountered any difficulties, for them to inform me straightaway. No issue arose during the hearing which gave me any concern or about which I was notified.
6. I do not recite the appellant's evidence or the submissions of the respective parties or the expert evidence except where it is necessary to do so to resolve the central issue. Whilst I turn to the expert report first, I have only done so as there is a need to start somewhere in the evidence

and I have not considered that report in isolation from the COI Report, the respondent's caseworker guidance, or the appellant's witness or other evidence. The expert report, based on instructions of 17th August 2022, addressed the issue of discrimination which the appellant might suffer in the event of his return to Bangladesh as a visibly disabled person. Mr Azim is a barrister and has signed a statement of truth as well as confirming his understanding of his professional obligations to this Tribunal. As Mr West points out, he is also registered on the well-known "EIN" website and I was urged to consider that his credentials were therefore substantial.

7. However, I accept Mr Whitwell's criticism in a number of respects as a consequence of which, when considering the evidence as a whole, I attach very limited weight to Mr Azim's report. The first challenge, which I regard as merited, is that Mr Azim does not have relevant expertise and is opining on matters which are not within his expertise. His report makes statements on the health system in Bangladesh at §1; societal attitudes towards people with disability at §2; the exclusion of people with disabilities from income and resources in Bangladesh at §3; their exclusion from employment and social relationships at §§4 and 5; and their exclusions from recreation activities at §6. Mr Azim describes his credentials as a Bangladeshi national and practising lawyer, having represented clients in numerous cases of a political nature. In his expertise, at §3 he refers to human rights, access to justice and judicial reform and he has written on various aspects of the law, referring to the rights of Rohingyas, corporate social responsibility, use of force under international law, and the procedure of the International Criminal Court. In his curriculum vitae at page [19], he also refers to his practice within banking, labour and employment issues, family matters, money laundering, digital security, VAT and civil justice. His experience at page [20] refers to freedom of speech, extrajudicial killings, persecution of human rights defenders and religious minorities, persecutions relating to family disputes, citizenship laws and a lengthy further list. Notably, nowhere in the extensive list of expertise and specialisms, is there any reference to knowledge of the lived experiences of people with disabilities in Bangladesh and how Mr Azim has any knowledge of what he is commenting on by virtue of his work. For example, he is not a sociologist or an academic who studied particular aspects of Bangladeshi society. He is a lawyer who specialises in a wide range of matters but not in relation to discrimination pertaining to people with disabilities in Bangladesh. I accept Mr Whitwell's criticism that he is not an expert in the matters on which he has given a view.
8. I also accept Mr Whitwell's three other criticisms of the report. First, a number of the comments made in the report are generalised and not of particular relevance to the appellant as a person with disabilities. Mr Azim's discussion of the healthcare system in Bangladesh at pages [6] to [7] appears to have no particular relevance to the appellant, whom it is not suggested will need particular access to the healthcare system. Moreover, many of the comments refer to people with other disabilities

rather than specifically to those with hearing impairments. For example, at §2.4, at page [9], the report refers to the lack of resources such as wheelchair ramps or lift facilities. As with access to specific medical treatment, none of this is relevant to the appellant as a person with a hearing impediment but with hearing aids. Similarly, §5.1 at page [8] the report refers to stigma within families where parents feel shame, which is not relevant as the appellant does not have any family members living in Bangladesh.

9. Second, Mr Whitwell submitted, and I accept, that a number of the comments are either not explained or unsourced. There is a reference to specific derogatory slang for people with disabilities at §2.3, but this not sourced. Even where it is sourced, for example the discussion at §2.4 about the lack of resources for people with disabilities, there is a citation to a financial newspaper article which cannot be accessed. There is no evaluation of that financial newspaper, or its particular expertise. Some of the sources are aged, with a footnote in relation to a later comment at §5.2 about use of unspecified derogatory terms dating back to 2016.
10. Third, I accept Mr Whitwell's criticism that there is a potential internal inconsistency in the report. On the one hand, Mr Azim says that there are "no" available jobs in Bangladesh as such that can employ people with a hearing disability "*except for few labour works*" (see §1.4 at page [15]). This contrasts to §4.4 at page [11], which states that the majority of people with disabilities in Bangladesh are engaged in manual work and experience wage and gender-based discrimination. There is no discussion of why the barriers to engagement for people with hearing impairments, albeit with hearing aids, would potentially be greater than people with other disabilities. To the extent that these two comments are said to be potentially consistent, they are at least unclear, in the sense that the second statement may mean that there are lot of jobs, but they will be manual only, whereas the first statement at least implies that there are few jobs, and those that do exist are only manual.
11. In the context of the evidence as a whole, I am satisfied that Mr Azim's report does not add anything to the COI Report on which particular reliance was previously placed.
12. I also considered the appellant's witness evidence and the COI Report. I bear in mind that the COI Report has been produced by the respondent herself. The appellant's witness evidence is unchallenged but is of limited assistance on the issue of experience, other than indirectly, of obstacles to integration of people with disabilities in Bangladesh, because as the appellant accepts in his own evidence, he did not have a hearing impairment when he lived in Bangladesh. Whilst the appellant gives views on the cultural attitudes towards people with disabilities in Bangladesh, they are general comments and do not address any experience of the treatment of people with hearing aids.

13. The appellant has lived in the UK for more than sixteen years, having gained practical experience and an intention to use his skills gained. That being said, the appellant has overstayed since his visit visa expired in February 2006. He has friends in the UK and although he refers to a mental health condition, Mr West confirmed that this is not relied upon for the purposes of very significant obstacles. Mr West also confirmed that it is not suggested that the appellant would be unable to obtain any medical treatment for any medical issues he has in Bangladesh. He refers to not being able to afford treatment for his hearing impairment if he is returned although the ongoing nature of any medical input where he has hearing aids is not explained any further. He accepts that accommodation to which he has access is available, namely his father's home but he says that the home is in a remote village without access to important facilities such as doctors and hospitals and he would be unable to travel or afford healthcare. However, as was accepted, he had sufficient resources to privately fund the provision of Mr Azim's report at very short notice.
14. I accept that the appellant has genuine concerns about the ostracism he may face on return to Bangladesh and that the property to which he might otherwise be expected to return is in a rural area. However, I also accept Mr Whitwell's submission that there is no reason why that family home could not be disposed of, his father having passed away and no reason why he could not live elsewhere, in a more urban centre of Bangladesh, in the context of the appellant's contention that discriminatory attitudes are particularly prevalent in rural areas.
15. Also, in terms of the appellant's particular circumstances, he has been financially supported and provided with accommodation in the UK by friends since entering in 2005. Mr Whitwell pragmatically accepted that UK supporters would not be willing to fund the appellant living in Bangladesh other than for a short period and so there is no suggestion that he would be able to remain in Bangladesh purely on the basis of financial remittances from the UK. He would ultimately need to access either financial support from the Bangladeshi government such that it exists, or more likely, to work to support himself, noting that he has access to accommodation. There is no suggestion that the appellant is medically unfit to work, bearing in mind that he mitigates his hearing impairment through the use of hearing aids. The real focus is on the lack of ability to find work because of societal discrimination and re-establish himself in wider Bangladeshi society.
16. I turn to the most powerful evidence on which the appellant seeks to rely, the COI Report. As the FtT did, I consider the entirety of §22, which whilst important, is limited. It cites reports from three sources, the first at §22.01, a U.S. State Department Country Report of 2012 which referred to the law providing for equal treatment and freedom from discrimination for persons with disabilities but that they faced social and economic discrimination. The law's effect was said to be limited due to vague obligations and weak implementation mechanisms and most provisions which created positive obligations which were difficult to enforce with

minimal oversight of guardians and caregivers. There was also a reference to extensive accessibility requirements for new buildings but in practice buildings regularly did not comply. There was a reference to exclusion of children so-called with “mental deficiencies” and bar to attending state schools. The report continues that due to inaccessibility and discrimination, persons with disabilities were sometimes excluded from mainstream government health, education, and social protection services. Government facilities for treating people with mental disabilities were inadequate. Several private initiatives existed for medical and vocational rehabilitation as well as for employment of persons with disabilities.

17. §22.02 of the COI Report referred to a report from the “Centre for the Rehabilitation of the Paralyzed”, or “CRP”, which provided a broad range of services to physically disabled people. It cited attitudes and perceptions of disability, in 2010, as often even more challenging than physical limitations, with people, particularly in rural settings, believing that disabilities were a curse from God. Treatment for spinal injuries and other “disabling conditions” was often based on superstitious methods and performed by untrained village doctors.
18. Finally, at §22.03, the report referred to the Danish Bilharziasis Society, in a report prepared in 2004, which noted the National Forum of Organisations Working with the Disabled, where NGOs focused their work around the promotion of rights of people with disabilities and that some transport providers had started offering discounted travel to people with disabilities and the provision of disability-friendly toilet and bathing facilities.
19. As can be seen by the above summary of the report, there is a general reference to societal attitudes towards discrimination and stigma. There is no specific reference to those with hearing impairments or particularly those whose hearing abilities are mitigated through the use of hearing aids, albeit as a consequence that makes their disabilities visible. I had identified concerns in the error of law decision that there was no distinction between the appellant’s condition and other disabilities as falling within the comments about societal attitudes towards those with disabilities in the COI Report. However, and whilst no distinction is made, many of the comments do not pertain to people with hearing disabilities who have hearing aids. For example, there are references to adjustments to buildings, particularly in terms of access and toilet facilities, exclusion from education, which is not relevant to the appellant; facilities for treating those with mental disabilities and treatment for spine injuries for example being by untrained village doctors.
20. I do not accept that the COI Report provides a reliable basis for concluding that the appellant would face significant obstacles to integration, particularly in the context of his ability to relocate to a more urban area, notwithstanding that so-called “traditional” (i.e. prejudiced) views might still prevail, especially in rural settings. The comments that such discriminatory attitudes are often seen and that many hold those beliefs is

not sufficient to establish that such is the extent of these attitudes that the appellant would in effect be unable to obtain work; or to re-establish himself in other social networks and for example friendship groups. I accept Mr West's submission that the willingness of the Bangladeshi Diaspora community in the UK to readily accept and financially support the appellant over many years, including providing him with a role in his local mosque cannot be compared to a situation as might arise on his return to Bangladesh. Nevertheless, it is, in my view, too much of an evidential leap to conclude on the basis of the COI Report, on which Mr West placed central reliance, that there would be very significant obstacles. I am conscious that I should not take the COI Report in isolation and that discrimination can, cumulatively, and in certain circumstances, constitute very significant obstacles. However, in support of the appellant's ability to integrate in Bangladesh, whilst he has been outside Bangladesh for many years and whilst he has no family members or friendship connections currently, I have little doubt that he has retained familiarity with Bangladeshi society through his engagement in the Bangladeshi diaspora community in the UK. Not only will he have familiarity, but he would have, at least in the short term, their financial support. Just as he has readily made himself useful and applied his skills in carrying out some sort of roles within the mosque, I do not accept that he has shown that there is no suitable work that he could find in the longer term in Bangladesh.

21. I also do not accept there is evidence that the appellant would be unable to use the financial resource of his father's house in a rural area in order to relocate to a more urban setting to further assist his integration.
22. In the circumstances, I am not satisfied that the appellant has proven that any obstacles are very significant. Mr West expressly agreed that were I to reach such a conclusion, then the appellant's appeal by reference to Article 8 must fail and be dismissed.

Notice of Decision

The appellant's appeal by reference to his rights under Article 8 ECHR fails and is dismissed.

No anonymity direction is made.

Signed Judge J Keith Date: 9th September 2022

Upper Tribunal Judge Keith

ANNEX - ERROR OF LAW DECISION



IAC-FH-CK-V1

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

Appeal Number: UI-2022-000521

THE IMMIGRATION ACTS

**Heard at Field House
On 17th June 2022**

Decision & Reasons Promulgated

On

Before

UPPER TRIBUNAL JUDGE KEITH

Between

**NOOR MIAH
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the appellant: *Mr M West*, instructed by B Chowdury Solicitors

For the respondent: Ms A Nolan, Senior Home Office Presenting Officer

DECISION AND REASONS

Introduction

1. These are the approved record of the decision and reasons which I gave orally at the end of the hearing on 17th June 2022.
2. This is an appeal by the appellant against the decision of First-tier Tribunal Judge Plowright (the 'FtT'), promulgated on 6th January 2022, by which he

dismissed the appellant's appeal against the respondent's refusal on 1st February 2021 of his human rights claim, based on a right to respect for his private life.

3. In essence, the appellant's claims involved the following issue: whether, as a person with a disability, specifically a hearing impairment for which he had a hearing aid, and a serious health condition, namely three heart attacks between 2018 and 2020, resulting in a stent and ongoing daily medication, there would be very significant obstacles to the appellant's integration in Bangladesh, his country of origin. In addition, the appellant had a close friend in the UK who needed a liver transplant. The appellant claimed that they were like brothers.
4. The respondent had concluded that there was not sufficient evidence that the appellant suffered from a life-threatening illness, nor that his friend would be unable to access either medical treatment or support from family members in the UK, were the appellant to return to Bangladesh. In respect of the appellant's hearing impairment, medical facilities and ongoing treatment was available in Bangladesh, should it be required. The appellant had been in the UK on an entry visa valid until 3rd February 2006 and thereafter, unlawfully.

The FtT's decision

5. At §9, the FtT found that the appellant had a hearing impairment and required ongoing heart medication. The judge reminded himself correctly of the law at §13, in particular the case of *Kamara v SSHD* [2016] EWCA Civ 813. The FtT considered the period of time spent by the appellant in the UK; the absence of family in Bangladesh; the availability of family property in that country; and the appellant's medication. While there were GP records, there was no medical report. The appellant wore hearing aids when he left his home. At §21, the FtT considered the Country of Origin Information (COI) Report for Bangladesh dated 31st August 2013, in respect of societal discrimination suffered by those with disabilities in Bangladesh. There was, in the FtT's view, no evidence that the appellant would suffer a level of discrimination amounting to very significant obstacles. The FtT also did not accept that the appellant could not access Bangladeshi society as an insider, as a valued member of his local mosque in Birmingham and having retained cultural and social ties to Bangladesh. There was no reason why he could not take over his father's property in Bangladesh. Whilst the applicant had health issues there was nothing to suggest these could not be managed in Bangladesh. The FtT then carried out a balancing exercise by under section 117 of the Nationality, Immigration and Asylum Act 2002.
6. Having considered the evidence as a whole, the FtT dismissed the appellant's appeal.

The grounds of appeal and grant of permission

7. The appellant lodged grounds of appeal, the gist of which is that whilst the FtT considered the COI report, which referred to discrimination in respect of people with disabilities, the FtT had impermissibly concluded at §22 that because of the age of the COI report, that the appellant's specific disability, namely a hearing impairment, would not result in very significant obstacles. There was no basis for discounting the COI report (there was no evidence of a change in attitudes in Bangladesh to those with disabilities). Alternatively, the FtT had not explained adequately how he had reached his conclusion that the level of discrimination would not present very significant obstacles. The appellant's disability was highly visible, as he wore hearing aids in both ears. The FtT's decision was also arguably irrational.
8. First-tier Tribunal Judge Boyes granted permission on 11th March 2022. The grant of permission was not limited in its scope.

The hearing before me

The appellant's submissions

9. Mr West relied on his detailed skeleton argument, which I have considered. It outlined the appellant's immigration history, his vulnerability and the quality and length of his private life in the UK. The FtT had correctly reminded himself of the authority of *SSHD v Kamara* [2016] EWCA Civ 813, which stipulated a broad evaluative assessment of whether there would be very significant obstacles to someone as an "insider."
10. However, it also remained incumbent on the FtT to evaluate the claim on the basis of relevant information about the proposed country of return (Bangladesh), of which the obvious example was the COI report. The respondent's current casework guidance (Private Life, published on 20th June 2022) reflected the existing position. At internal page [21], it stated:

"Relevant country information should be referred to when assessing whether there are very significant obstacles to integration. You should consider the specific claim made and the relevant national laws, attitudes and country situation in the relevant country or regions. A very significant obstacle may arise where the applicant would be at a real risk of prosecution or significant harassment **or discrimination** [my emphasis] as a result of their sexual or political orientation or faith or gender, or where their rights and freedoms would otherwise be so severely restricted as to affect their fundamental rights, and therefore their ability to establish a private life in that country."
11. The FtT had to consider the appellant's specific circumstances by reference to societal norms in Bangladesh. Societal discrimination, if significant enough, could present very significant obstacles. The COI report before the FtT had also stated that medical facilities in Bangladesh were poor. The appellant was more likely than not to be treated as having a disability, if returned to Bangladesh, was reliant on the goodwill of friends and his re-integration would be severely impacted. In that context, the FtT's reasoning was inadequate.

The respondent's submissions

12. In summary, Ms Nolan submitted that I needed to read the FtT's judgement as a whole, and not cherry-pick particular aspects of the evidence. When read holistically, the FtT had explained that he had considered the COI report and why he attached limited weight to it. The COI report included general propositions. The FtT had focussed on the appellant's specific circumstances. Whilst there was a generality of potential societal discrimination, the FtT had reached the conclusion that there was no evidence before him to suggest that as a result of the appellant's specific hearing impairment, he would suffer the level of discrimination which would amount to very significant obstacles to integration in Bangladesh. The FtT had clearly explained why he had reached his conclusion. That was a conclusion open to him to reach on the evidence before him.

Discussion and conclusions

13. I remind myself that it is important that I do not substitute my view of what I would have decided for what the FtT had decided. I am also conscious that I do not have the benefit of considering the evidence in the same way as the FtT and that grounds purportedly identifying errors of law may, in reality, be mere disagreements with a judge's conclusions. It is also unnecessary for a judge to recite every aspect of the evidence before them.
14. Having cautioned myself on these preliminary points, I turn to the core of the FtT's reasons. I cite the relevant paragraphs:

"20. It was not argued on behalf of the appellant that his medical issues were such that were he to be returned to Bangladesh, there would be a breach of Article 3 as a consequence of his medical issues.

21. However, it was argued that his hearing impediment would be treated as a disability if he were returned to Bangladesh. I was referred to the Home Office Country of Origin Report dated 31st August 2013 where the following is stated at paragraph 22.01 and 22.02:

'22.01 ...The law provides for equal treatment and freedom from discrimination for persons with disabilities; however, persons with disabilities faced societal and economic discrimination...

22.02 In Bangladesh, physical limitations are often not the most difficult obstacles a disabled person needs to overcome. Attitudes to and perceptions of disability are often even more challenging....Many 'traditional' views on the subject still prevail, especially in rural settings. Disability is often seen as a curse from God, inflicted as retribution for the sins of the disabled person's parents. Many believe that disability is infectious and that having a disabled

person in the house will bring on an 'evil wind' after which others will be infected with this condition.'"

22. Whilst I accept that the appellant's hearing impediment may well be regarded as a disability, I do not find it plausible that this is the kind of disability envisaged in the above sections (which in any event are referenced in a report that dates back to 2013). There is no evidence before me to suggest that, as a result of his hearing impediment, the appellant would suffer the level of discrimination which would mean there would be very significant obstacles to his integration in Bangladesh. It was further not suggested that any discrimination that he might suffer as a consequence of his hearing impediment and the fact that he wears visible hearing aids would mean that his return to Bangladesh would constitute a breach of Article 3."

15. I conclude that the FtT's analysis is not sufficiently clear. The FtT accepted that the appellant's condition amounts to a disability. There are, however, two important aspects in which the reasoning is deficient. The first, as Mr West points out, is the reasoning that the FtT did not regard it as plausible that the appellant's condition was of a kind of disability envisaged in the report. It is entirely unclear what is meant by this, or why. For example, if it is taken to mean that "traditional" views on disabilities in the report, (or to be clear, prejudiced views), relate only to mental health conditions as opposed to physical conditions, that needed to be clearly stated. The FtT may have intended to mean the opposite, or there is a third possible meaning that the appellant's condition does not have a sufficiently adverse impact on him (to use the terminology from the Equality Act 2010), because the appellant does not have total hearing loss. The reader is left not knowing what the judgment means.
16. The second flaw is the FtT's explanation for his concern that the COI report may be outdated, purely by virtue of it having been written in 2013. The age of the report may work three ways. Societal discrimination may have worsened, stayed the same, or (the possible implication, not stated by the FtT) may have got better. The assumption that matters may have improved is not stated or explained. I accept Mr West's submission that it was incumbent on the FtT to have explained the comment further, and the basis for any assumption, particularly by reference to what societal changes the FtT had in mind.
17. Dealing head-on with the central argument made very clearly and cogently by Ms Nolan, that the FtT only had general evidence of discrimination, without specific evidence of how that might relate to the appellant, I am ultimately persuaded by Mr West's submission that it begs the question what more evidence in this case the appellant could have expected to have produced, particularly as his hearing impairment had only developed after he entered the UK. There was at least evidence before the FtT, even if of a general nature, which highlighted the potential risks. In the circumstances, the FtT's conclusion that there was no evidence that as a result of his hearing impairment, the appellant would

suffer a level of significant discrimination, begs the question as to what evidence the FtT was expecting to see.

18. In summary, while in other respects the FtT's reasoning was clear and well-structured, so that some of his findings may be preserved, I conclude that his reasoning in relation to the discrimination potentially faced by the appellant as someone with a hearing impairment is unsafe and cannot stand. I do not go so far as to accept that it was perverse, as the analysis is an intensely fact-specific one.
19. I preserve the FtT's findings at §23, that the appellant does not have any family in Bangladesh and that he has retained language ties (he speaks Bengali). I also preserve the findings at §24 that as a valued member of his community, elders financially support the appellant because he does cleaning in his local mosque, and he has retained social and cultural ties to Bangladesh. I further preserve the finding at §25 that there is no reason why he could not take over his father's property in Bangladesh and live there.

Decision on error of law

20. I conclude that there are material errors here and I must set the FtT's decision aside, subject to the preserved findings set out above.

Disposal

21. With reference to paragraph 7.2 of the Senior President's Practice Statement, given the limited scope of the issues, it is appropriate that the Upper Tribunal remakes the FtT's decision which has been set aside.

Directions

22. The following directions shall apply to the future conduct of this appeal:
 - 22.1 The Resumed Hearing will be listed at Field House on the first open date, with a time estimate of 2 hours, with a Bengali (Sylheti) interpreter, to enable the Upper Tribunal to substitute a decision to either allow or dismiss the appeal.
 - 22.2 The appellant shall no later than 4 PM, **14 days before the Resumed Hearing**, file with the Upper Tribunal and served upon the respondent's representative a supplementary electronic bundle containing all the updated evidence upon which he intends to rely. Witness statements in the bundle must be signed, dated, and contain a declaration of truth and shall stand as the evidence in chief of the maker who shall be made available for the purposes of cross-examination and re-examination only.
 - 22.3 The respondent shall have leave, if so advised, to file any further documentation she intends to rely upon and in response to the

appellant's evidence; provided the same is filed no later than 4 PM **7 days before the Resumed Hearing.**

Notice of Decision

The decision of the First-tier Tribunal contains material errors of law and I set it aside, subject to the preserved findings set out above. The Upper Tribunal will remake the appeal.

There are no anonymity directions.

Signed J. Keith

Date: 30th June 2022

Upper Tribunal Judge Keith