



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM
CHAMBER

Case No: UI-2024-004741

First-tier Tribunal No:
PA/67539/2023
LP/05585/2024

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On 9 January 2025

Before
UPPER TRIBUNAL JUDGE NORTON-TAYLOR
DEPUTY UPPER TRIBUNAL JUDGE OBI

Between
RM
(ANONYMITY ORDER MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Representation:

For the appellant: Mr Hossain, Solicitor from Diplock Solicitors

For the respondent: Ms S Lecointe, Senior Presenting Officer

Heard at Field House on 16 December 2024

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant is granted anonymity.

No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant. Failure to comply with this order could amount to a contempt of court.

DECISION AND REASONS

Introduction

1. The Appellant, a citizen of Bangladesh, appeals with permission against the decision of the First-tier Tribunal Judge S J Clarke ('the Judge'). The Judge's decision was promulgated on 14 August 2024 following a hybrid hearing on 5 August 2024. By that decision, the Judge dismissed the Appellant's appeal against the Respondent's refusal of his protection claim and human right claims. The protection claim was made on 14 June 2022. The refusal decision is dated 6 December 2023.
2. The Appellant joined the Bangladesh National Party ('BNP') in 2009. The Appellant came to the UK on 25 February 2022. Whilst in the UK he posted on Facebook about his political opinions and support of the BNP. In March 2022, he received threats on Facebook from the Awami League ('AL') and Chhatra League ('CL'). The Appellant was informed that if he returns to Bangladesh he will be killed. In or around September 2023, the police attended the Appellant's house in Bangladesh and asked his father about his whereabouts. The Appellant claimed that he has been informed by his family that the police are visiting his home to arrest him. The Appellant fears that if he returns to Bangladesh, he will be killed by the AL, the CL and/or the police because of his political opinions and support of the BNP.

The Judge's decision

3. In a concise decision the Judge outlined the background circumstances, the key witness evidence and confirmed receipt of additional bundles of evidence which had been uploaded the day before the hearing. The additional evidence related to reports of large-scale anti-government protests.
4. As recorded at [8] of the Judge's decision witness statements were provided from two of the Appellant's political colleagues. Neither of these witnesses attended the hearing. Therefore, the Judge placed less weight on their evidence as they were not available to be cross-examined. The Judge noted at [9] that the Appellant, in his screening interview and question 56 of the asylum interview record, stated that he was the "*assistant organising secretary*" and there was an interpreter error in the answer to question 55 which merely records '*organising secretary*'. The Appellant provided a list of committee members of the Madan Mohan College Chhatra Dal which shows the name of the Appellant as one of three assistant organising secretaries. Other supporting evidence included the list of all the committee members for 2009. The Appellant's name appears on this list. The Judge decided to consider all supporting documents in the round, together with the evidence of the Appellant, the witnesses, and the background evidence.
5. The Judge described the Appellant as a "*candid witness*" regarding events that occurred prior to leaving Bangladesh. The Judge noted that the Appellant has never claimed that he was the subject of adverse attention before he left Bangladesh. The Judge concluded that the Appellant "*was so low-level he was of no interest to anyone in his country.*"
6. The Judge did not find that the Appellant attended 20 demonstrations in the UK (as claimed) but decided to approach the case on the basis that

he had. At [19] the Judge noted that there was some evidence of sur place activities which included the evidence of the witnesses, Facebook screenshots and photographs of the Appellant taken outside the British Foreign Commonwealth Office on 22 July 2024. The Judge concluded that *“the Appellant is genuinely committed to his political opinions and the BNP and has been an activist since 2009 in Bangladesh and from 2021 when he arrived in the UK.”* The Judge, having considered the Facebook evidence in the round, noted at [22] that the evidence of the threats was limited, and there was no evidence to identify the sources of the threats. The Judge also concluded at [24] that the Appellant’s activism in the UK is limited. The authorities had no interest in the Appellant when he lived in Bangladesh. He has not been an official organiser of events and has not shown any evidence of a heightened profile; he was simply a member of the crowd.

7. At [25] the Judge considered the background evidence. The Judge noted that according to the CPIN Bangladesh-Political parties and affiliation-CPIN, low level members of opposition groups are, in general, *“unlikely to be of ongoing interest to the authorities and are unlikely to be subject to treatment that is sufficiently serious, by its nature or repetition, to amount to persecution.”* The Judge concluded that the Appellant had not shown that there was a real likelihood of persecution or real risk of harm on return.
8. The Judge considered the humanitarian protection claim. At [27] the Judge concluded that the size and scale of the recent large-scale protests in Bangladesh, was not of itself sufficient to meet the threshold for humanitarian protection. The Judge found that the Appellant had not shown that there were any significant obstacles to reintegration. Furthermore, the Appellant has family in Bangladesh and *“has retained his cultural, social and linguistic ties.”*

9. At [29] the Judge considered Article 8 outside the Rules. The Judge noted that the Appellant entered the UK in 2021 with precarious leave and “*has only spent a few years building up his private life...*” The Judge concluded that the removal of the Appellant is proportionate and would not lead to unjustifiably harsh consequences.
10. Accordingly, the appeal was dismissed on all grounds.

The grounds of appeal

11. The Appellant raises two grounds of appeal. The grounds were not drafted with particular clarity but can be summarised as follows: (i) the Judge did not refer to the supplementary skeleton argument and which was procedurally unfair; the Judge failed to address or make any clear findings regarding the Appellant’s sur place activities, failed to give sufficient weight to these activities and failed to apply the approach in *Karanakaran* to the credibility of the Appellant’s claim; and (ii) the Judge failed to consider the humanitarian protection grounds and failed to consider the recent political violence in Bangladesh.
12. Permission was granted on both grounds.

Rule 24

13. The Respondent did not provide a rule 24 response.

The hearing

14. At the hearing, Mr Hossein sought to rely on matters that were not before the Judge. For example, he referred to the BNP “*not yet*” being in power and the army being in charge. He also referred to question 55 of the asylum interview which was irrelevant as the Judge accepted the evidence of the Appellant leading up to his arrival in the UK. Mr Hossein was invited to address the grounds of appeal as outlined in paragraph 10 above. In response, Mr Hossein submitted that the threats made via the Facebook account were not considered properly. He stated that Facebook

messages can only be sent by "a friend." Mr Raza sent the messages, but the Appellant does not know this person. When we queried this, Mr Hossein stated that he does not know if the Appellant knows Mr Raza personally, but they are linked on Facebook. Mr Hossein further submitted that the Appellant would face unsurmountable obstacles if he were to return to Bangladesh. He stated that the Appellant fears for his safety and referred to mass killings during the protests.

Conclusions

15. We conclude that the Judge took into account relevant matters when considering the Appellant's sur place activities and reached clear findings.
16. The Practice Direction issued on 4 June 2024 by the Senior President of Tribunal clearly states at paragraph 5 that "*To be adequate the reasons for a judicial decision must explain to the parties why they have won or lost. The reasons must enable the reader to understand why the matter was decided as it was and what conclusions were reached on the main issues in dispute*". Paragraph 6 of the Practice Direction states that "*Providing adequate reasons does not usually require the First-Tier Tribunal to identify all of the evidence relied upon in reaching its findings of fact to elaborate at length its conclusions on any issue of law or to express every step of its reasoning*". The Judge, in explaining why the appeal was not upheld and in keeping the judgment as concise as possible, was not required to refer to every document that was considered. The Judge addressed the key issues in the skeleton argument and no specific omissions were raised by the Appellant in the grounds of appeal.
17. The Judge in considering the Appellant's case (including the photographs) on the basis that he had attended 20 demonstrations in the UK assessed his case at its highest. The Judge concluded that the

Appellant's political activities in the UK were no more than peripheral, in that, he attended events but was not the organiser of demonstrations or rallies. The Judge did not state that the Appellant had to have a high profile to be in fear of persecution from the Bangladesh authorities; it was stated that the Appellant had not done anything to *elevate* his profile whilst in the UK. The weight to be attached to the evidence is a matter for the fact-finding tribunal and the Judge made it clear that they were considering the evidence as a whole. The Judge concluded that the Appellant had not discharged the burden of establishing, to a reasonable degree of likelihood, that he had a well-founded fear of persecution for a Convention reason. The Judge was entitled to reach these findings and said enough to show that the evidence as a whole has been properly taken into account when considering whether the test had been met. The Appellant did not challenge the Judge's reasons or the rationality of the conclusions.

18. The Appellant's assertion that it would be unrealistic in the light of the history of the Appellant's claim to consider that his activities in the UK would not come to the attention of the Bangladesh authorities is misplaced. The Judge, having considered the nature and extent of the Appellant's activities in the UK, concluded that he was unlikely to be of interest to the Bangladesh authorities. There is no merit to the first ground of appeal.

19. The second ground of appeal also has no merit. It is, in essence, no more than a disagreement with the conclusions reached by the Judge. The Judge considered the up-to-date information that was available at the time of the appeal hearing in August 2024. At [27] the Judge considered the recent protests in Bangladesh and concluded that there was not enough evidence to show that there was a risk of harm. The Appellant did not challenge these reasons or the rationality of these conclusions.

20. It follows that we dismiss the appeal and the decision of the Judge stands.

Notice of Decision

The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.

M Obi
Deputy Judge of the Upper Tribunal
Immigration and Asylum Chamber
Dated: 23 December 2024