



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

Appeal Number: PA/07254/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 16th October 2018**

**Decision & Reasons Promulgated
On 22nd October 2018**

Before

UPPER TRIBUNAL JUDGE MARTIN

Between

**I M
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr G Franco (instructed by Schneider Goldstein immigration law),

For the Respondent: Mr T Lindsay (Senior Home Office Presenting Officer)}

DECISION AND REASONS

1. This is an appeal to the Upper Tribunal by the Appellant who is a man from Bangladesh born on 10th May 1996. He was granted a visit visa to come to the UK on 28 January 2013 and he entered on 23 March 2013 with his mother and his younger brothers. The Appellant was 16 years of age at that time. His mother and one brother returned to Bangladesh leaving the Appellant and one brother in the UK with an aunt.
2. The Appellant claimed asylum on 28 November 2017 which application was refused by the Secretary of State on 25 May 2018. The Appellant

appealed that decision and the appeal came before the First-tier Tribunal on 9 July 2018. In a Decision and Reasons promulgated on 25 July 2018 Judge Bristow dismissed the appeal.

3. Permission to appeal was granted on the basis that it is arguable that the First-tier Tribunal had erred by failing to make any findings on the documents lodged by the Appellant in support of his appeal as specified in paragraph 8 of the grounds of appeal.
4. The documents specified at paragraph 8 are as follows: -
 - (a) letter from BNP (youth party) and translation;
 - (b) Bangladesh Nationalist party volunteers list;
 - (c) letter from advocate in Bangladesh;
 - (d) notarial certificate;
 - (e) Appellant's father's case papers from Bangladesh including Bengal I version and postal envelope;
 - (f) letter from Appellant's father and ID card;
 - (g) Appellant's father's BNP membership card;
 - (h) letter from Mr Mizanur Rahman, General Secretary BNP;
 - (i) photographs of Appellant's father during protests and giving speech at BNP meetings;
 - (j) BNP district executive committee list;
 - (k) Appellant's father's campaign posters;
 - (l) BNP members list;
 - (m) medical report for Appellant's mother and photographs of injury;
 - (n) letter from Appellant's brother in Canada, ID card, medical report, tickets and photographs of injury;
 - (o) a newspaper article, postal envelopes and receipts.
5. The Appellant had claimed asylum on the basis that his father was heavily involved with the BNP in Bangladesh; his elder brother had involvement with the BNP; the family had been attacked and harassed by the Awami league and the police and the Appellant himself was a member of the BNP and at risk for that reason.
6. In his Decision and Reasons the Judge, at paragraph 40 set out a number of findings. The first three findings relate to the fact that the Appellant did not claim asylum on arrival in the UK about which the Judge did not accept as credible his explanation. The remaining findings are adverse credibility findings based on the lack of plausibility of the Appellant's mother returning to Bangladesh because she wanted to join his father, the difficulties with the medical report not corroborating the gravity of this brother's burn injuries and inconsistencies in the Appellant's account. At

paragraph 41 the Judge said that he had made allowances for factors such as the Appellant's younger age and noted that he had knowledge of the BNP which the Secretary of State accepted to be consistent with what is known about the BNP. The Judge then said however that the Appellant's account was simply not credible.

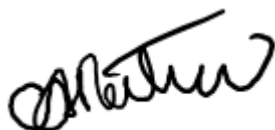
7. The reasoning is very brief in this protection claim. It is correct to say that, notwithstanding the fact that the Judge indicated he had taken all the evidence into account, he has not given any consideration to the documents listed above. It may be that they can corroborate the Appellant's account. Alternatively, they may not assist. However, they must be considered prior to adverse credibility findings being made as to the Appellants claim. It cannot be said that the Judge has applied anxious scrutiny to this claim.
8. Mr Lindsay submitted that the Judge had noted all of the documents that had been placed before him where he said at paragraph 8 that he had the Appellant's bundle. He also submitted that it is not necessary for a Judge to make findings on each and every piece of evidence. However, in this case the Judge appears to have given no consideration whatsoever to the documents lodged by the Appellant in support of his claim. That is an error of law and had he done so the outcome of the appeal may have been different. For that reason the error is material and the decision must be set aside in its entirety for fresh credibility findings to be made.

Decision

9. The appeal to the Upper Tribunal is therefore allowed to the limited extent that First-tier Tribunal's decision is set aside and the matter remitted to the First-tier Tribunal for a full rehearing on all issues by a different judge.

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 their 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.



Signed
Upper Tribunal Judge Martin

Date 16th October 2018