



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

Appeal Number: PA/12220/2018

THE IMMIGRATION ACTS

**Heard at Field House
On February 12, 2019**

**Decision & Reasons
Promulgated
On February 19, 2019**

Before

DEPUTY UPPER TRIBUNAL JUDGE ALIS

Between

**MR SHOHEL AHMED
(NO ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Razzaq-Siddiq of Counsel instructed by Universal Solicitors

For the Respondent: Mr Avery, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant entered the United Kingdom as a Tier 4 (General) student on August 26, 2009 with leave to remain until January 1, 2012. When his leave expired the appellant remained in the United Kingdom and was encountered working illegally on June 10, 2015 and served with paperwork as an overstayer. On April 26, 2018 the appellant claimed asylum.
2. The respondent refused his application under paragraphs 336 and 339F HC 395 on October 9, 2018. The appellant lodged grounds of appeal on

October 19, 2018 under section 82 (1) Nationality, Immigration and Asylum Act 2002.

3. The appellant's appeal came before Judge of the First-tier Tribunal Jones QC on November 19, 2018 and in a decision promulgated on November 29, 2018 the Judge dismissed his appeal.
4. The appellant lodged grounds of appeal on December 12, 2018 arguing the Judge had failed to give adequate or proper reasons for refusing the appellant's appeal and had incorrectly assessed the evidence raised by the appellant in his evidence. Permission to appeal was granted by Judge of the First-tier Tribunal Buchanan on the basis that the Judge failed to give reasons for concluding that this was an "old fashioned punch-up" which was not necessarily motivated by differing political views.
5. No anonymity direction is made.

THE SUBMISSIONS

6. Mr Razzaq-Siddiq submitted that the Judge had materially erred in finding that the dispute involving the appellant amounted to an old fashioned and treatment between gangs. He highlighted pages 23 and 24 of the CPIN January 2018 which evidenced political violence between 2012 and 2017 and submitted that if returned the appellant faced detention, false imprisonment and possible death. He adopted the grounds of permission which had been granted.
7. Mr Avery opposed the application and submitted that the Judge had given adequate reasons for his conclusions. The Judge was entitled to find that this was simply a fight and he had gone on to give his reasons for disbelieving the appellant. The material relied on in the CPIN had no relevance to what happened in 2006 as the political situation in 2006 was fundamentally different to the situation after 2012.
8. Mr Razzaq-Siddiq reiterated that if the dispute had been as a result of political violence then the outcome could have been different despite the appellant's poor immigration history.
9. I reserved my decision.

FINDINGS

10. Permission to appeal had been granted because it was said to be arguable that the Judge's finding in paragraph 34 of his decision was flawed because the Judge did not explain the source of evidence giving rise to his judgement on the similarity between old-fashioned punch-up in the street in the United Kingdom and the claim made by the appellant about politically motivated clashes in Bangladesh.
11. During oral submissions from the representatives, I raised with Mr Razzaq-Siddiq the fact that the country evidence he was directing my attention to

had no relevance to the appellant's case because the incident he complained about occurred in 2006. I also pointed out that this was not simply a case that the Judge concluded it was akin to an old-fashioned street fight as the decision demonstrated engagement with the evidence.

12. At paragraph 34 of his decision, the Judge made a number of findings. In assessing credibility he attached weight to the fact that the appellant had been here unlawfully since January 2012 during which time he had worked illegally. The Judge noted that he had used a forged document to remain and work here and when he was detained by the authorities in June 2015 did not make any claim for asylum. The Judge went on to consider his evidence and he did not accept the truthfulness of the allegation.
13. The appellant was found to be a witness who lacked credibility and having rejected his claim the Judge thereafter went on to give reasons why the rest of his claim was rejected.
14. This was a decision in which the Judge made findings that were open to him and supported those findings with reasons. There is no material error in law.

NOTICE OF DECISION

I uphold the decision and I dismiss the appeal.



Signed

Date

15/02/2019

Deputy Upper Tribunal Judge Alis

TO THE RESPONDENT
FEE AWARD

I have dismissed the appeal and therefore there can be no fee award.



Signed

Date

15/02/2019

Deputy Upper Tribunal Judge Alis