



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

Appeal Number: PA/02363/2020

**THE IMMIGRATION ACTS**

**Heard at Field House**

**On 13 January 2022**

**Decision & Reasons**

**Promulgated**

**On 27 January 2022**

**Before**

**UPPER TRIBUNAL JUDGE PERKINS**

**Between**

**JOYNAL UDDIN KHAN**

(anonymity direction not made)

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr M West, counsel instructed by Lawmatic Solicitors

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

**DECISION AND REASONS**

1. This is an appeal by a citizen of Bangladesh against a decision of the First-tier Tribunal dismissing his appeal against a decision of the Secretary of State refusing him protection.
2. The grounds of appeal on which permission was granted by a First-tier Tribunal Judge were settled by Mr West, who appears before me. Mr West did not appear before the First-tier Tribunal.
3. The First-tier Tribunal Judge makes it plain that he did not believe the Appellant and he dismissed the appeal. I wish to make it quite plain that nothing I am saying here is intended to encourage or discourage a similarly clear finding when the matter is looked at again. The problem, which is identified over several grounds of appeal and accepted by Mr Walker, can be characterised as

a criticism that the judge made adverse credibility findings without setting the matter properly in the context of the background evidence and the kind of thing that tended to happen in Bangladesh. Rather, the judge disbelieved the witness for reasons that might have merit on their own terms but which should have been set in the context and that was not done.

4. This is, if I may say so, an unlikely mistake by an experienced judge and it may be that the difficulty is more to do with presentation than analysis but I can only go by what is before me and for the reasons I have indicated Mr Walker conceded, entirely responsibly, that the substance of the grounds is made out and I should set aside the decision.
5. Having discussed the matter with the parties, I find that the appeal should go back to the First-tier Tribunal. The First-tier Tribunal has not previously determined this appeal and the Appellant's grounds basically complain that he has not had proper consideration of his case.
6. It follows therefore that I find the First-tier Tribunal erred in law. I set aside its decision and I direct that the appeal be heard again in the First-tier Tribunal.
7. I am happy to spell out that no findings have been preserved and nothing that I have said is intended as an indication about the eventual outcome. It is simply to be heard again.

### **Notice of Decision**

8. The appeal is allowed to the extent that I set aside the decision of the First-tier Tribunal and direct that the appeal be heard again in the First-tier Tribunal.

Jonathan Perkins

Signed  
Jonathan Perkins  
Judge of the Upper Tribunal

Dated 14 January 2022