



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/02319/2017

**THE IMMIGRATION ACTS**

Heard at Field House  
On 27<sup>th</sup> October 2017

Decision & Reasons Promulgated  
On 13<sup>th</sup> June 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE SAINI

Between

SI  
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Ms E Fitzsimons, Counsel

For the Respondent: Ms J Isherwood, Home Office Presenting Officer

**DETERMINATION BY CONSENT AND REASONS**

1. Pursuant to Rule 39 of the Tribunal Procedure (Upper Tribunal) Rules 2008 and by the consent of the parties the following order is made:

Upon the parties' agreement that the determination of the First-tier Tribunal promulgated on 3<sup>rd</sup> May 2017 discloses a material error of law such that it should be set aside, it is hereby ordered by consent as follows:

- (i) The judge made material errors of law in relation to the errors identified in the Grounds of Appeal, in particular the judge failed to engage with the background evidence delineated by the appellant's Counsel in the objective evidence bundle amounting to 133 pages (which included a specific document of key passages from pages 118 to 133 which the appellant's Counsel had apparently referred to the judge during the hearing), whereas the determination of the First-tier Tribunal Judge only makes mention or consideration of a policy document from the Secretary of State dated December 2016 in the conclusive paragraph of the determination when considering the objective or background evidence for Bangladesh. The omission is thus material.
- (ii) The determination is thus set aside in its entirety with no findings preserved.
- (iii) The matter is remitted to be heard by a Judge of the First-tier Tribunal other than Judge M R Oliver.

**Directions**

- 2. The appellant's appeal to the Upper Tribunal is therefore allowed. The decision of the First-tier Tribunal is set aside for material legal error.

**Anonymity**

**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 his 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

Date

Deputy Upper Tribunal Judge Saini