



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

Appeal Number: PA/00809/2019

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 12 July 2019**

**Decision & Reasons Promulgated  
On 7 August 2019**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE CHANA**

**Between**

**MR NUMAN [C]  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr G Franco of Counsel

For the Respondent: Mr N Bramble, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant is a citizen of Bangladesh born on 8 May 1982 and appealed against the decision of the Secretary of State to refuse his claim for asylum and humanitarian protection in his decision dated 14 January 2019. Judge V C Dean of the First-tier Tribunal dismissed the appellant's appeal in a decision dated 20 May 2019.
2. Permission to appeal was granted to the appellant by First-tier Tribunal Judge Grant-Hutchison on 19 June 2019 stating that it is arguable that the judge erred in law whilst finding that the appellant's cousin, Mr [A], was a credible witness by failing to take into account his

confirmation of the appellant's political activities and failing to give adequate reasons for why documentation which was lodged to show that the appellant was given a four year prison sentence which was accepted by the judge was not politically motivated.

3. At the hearing, after Mr Franco made his submissions, Mr Bramble very fairly accepted that the appeal needs to be reconsidered given some of the issues in the decision and I agree. The judge found that the appellant was a low-level member of the BNP and had been arrested by the Awami League authorities, prosecuted in absentia and sentenced to four years' imprisonment. The judge accepted the documents provided by the appellant that he had been sentenced to four years' imprisonment.
4. At paragraph 28 the judge found the documents were genuine because the respondent had not suggested that the documents are forgeries or fakes. It is trite law documents are to be considered in line with the principles set out in **Tanveer Ahmed**.

### **Notice of Decision**

I therefore find that there is a material error of law and I set aside the decision of the First-tier Tribunal and remit it to the First-tier Tribunal for hearing de novo and to be placed before any First-tier Tribunal Judge other than Judge V C Dean.

No findings are preserved and all matters must be considered afresh.

I allow the appeal to that limited extent.

No anonymity direction is made

Signed

Date 29th day of July 2019

Deputy Upper Tribunal Judge Chana