



IAC-FH-CK-V1

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

**Appeal Number: HU/07726/2019**

**THE IMMIGRATION ACTS**

**Heard at Field House via Microsoft Teams  
On 2 September 2021**

**Decision & Reasons Promulgated  
On the 11<sup>th</sup> October 2021**

**Before**

**UPPER TRIBUNAL JUDGE ALLEN**

**Between**

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

**Appellant**

**and**

**MS MST IFFAT JAHAN  
(ANONYMITY DIRECTION NOT MADE)**

**Respondent**

**Representation:**

For the Appellant: Mr S Walker, Senior Home Office Presenting Officer

For the Respondent: Ms S Iqbal, instructed by Sindhu Immigration Services LTD

**DECISION AND REASONS**

1. The Secretary of State appeals with permission against a decision of a Judge of the First-tier Tribunal who allowed the appeal of the respondent Ms Jahan against the Secretary of State's decision of 15 April 2019 refusing her application for leave to remain as a Tier 4 Student. That application was made on 31 July 2012, and it was common ground that as a consequence of the timing of the original application and date of decision Ms Jahan was entitled to appeal on any grounds including those in section 84 of the Nationality, Immigration and Asylum Act 2002 due to the

transitional provisions (Commencement No. 3 (Transitional and Saving Provisions Order 2014 S 2014/2771)).

2. In the event, little need be said about the judge's decision. Mr Walker very helpfully and realistically conceded that the grounds were poorly reasoned and that in fact the judge had carefully considered the expert report with regard to relocation and made brief but clear findings. As a consequence, he agreed that the judge's decision should stand.
3. As a consequence, I did not need to call on Ms Iqbal.
4. I agree with the submission made on behalf of the Secretary of State in this case. The judge's decision, though relatively brief on the point, is properly reasoned with regard to the issue of very significant obstacles to relocation in Bangladesh for the appellant, bearing in mind the risk from her husband's brother and incorporating the views of the expert Dr Amundsen on that and the lack of police protection and the broader background evidence with regard to the rife nature of corruption and the failings of the justice system for women who are pursued for so-called honour-based violence.
5. As a consequence, the judge came to conclusions that were open to him with regard to the very significant obstacles issue, and as a consequence, the decision allowing the appeal on that basis is upheld.

### **Notice of Decision**

The decision of the judge allowing the appeal under the Immigration Rules is maintained.

No anonymity direction is made.



Signed

Date 9 September 2021

Upper Tribunal Judge Allen