



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

Appeal Number: PA/05145/2017

THE IMMIGRATION ACTS

**Heard at: Manchester
On: 30th November 2017**

**Decision & Reasons Promulgated
On: 1st December 2017**

Before

UPPER TRIBUNAL JUDGE BRUCE

Between

**Md Rohul Amen
(no anonymity direction made)**

Appellant

And

Secretary of State for the Home Department

Respondent

**For the Appellant: no attendance
For the Respondent: Mr Harrison, Senior Home Office Presenting
Officer**

DETERMINATION AND REASONS

1. The Appellant is a national of Bangladesh born in 1994. He appeals with permission the decision of the First-tier Tribunal (Judge P. Rowlands) to dismiss his human rights & protection appeals.
2. The Appellant asserted that he had a well-founded fear of persecution/serious harm in Bangladesh because he had received threats from his stepbrother, who wanted to get rid of the Appellant so that he could inherit all of the family land. The Appellant asserted that this stepbrother is very influential within the BNP and is very

violent. Of this account the First-tier Tribunal made the following findings:

- i) The Appellant was not a credible witness; at times he appeared to be making up his story as he went along;
- ii) The land in dispute is a very small parcel and the Appellant has not demonstrating any interest in farming;
- iii) He had produced no corroborative evidence;
- iv) It would remain open to him to go and live in another part of Bangladesh if the account is true;
- v) Section 8 issue arose. The Appellant had lived and worked illegally in the United Kingdom for eight years before coming to the attention of the authorities in an enforcement raid. He only claimed asylum at that point;
- vi) There is clearly no family or private life claim.

Having considered those matters, the Tribunal dismissed the appeal on both asylum and human rights grounds

3. The Appellant is unrepresented and drafted his own grounds of appeal. In considering those unparticularised grounds First-tier Tribunal Judge Keane very fairly made his own assessment of the determination. In his decision dated 10th August 2017 Judge Keane found it to be arguable that the First-tier Tribunal Judge had erred in the following material respects:

- i) Failing to give adequate reasons for the negative credibility findings;
- ii) Impermissibly requiring an asylum claim to be supported by corroborative evidence;
- iii) In making the section 8 findings the Judge appears to have overlooked, and thereby failed to consider, the undisputed fact that when the Appellant entered the United Kingdom he was only 13 years old;
- iv) Making only a cursory human rights assessment and failing to follow the framework in Razgar [2004] INLR 349 HL.

The Hearing

4. The notice of hearing was served to the Appellant's last known address on the 6th October 2017. The Appellant did not attend the hearing. Investigation into the case history showed that the Appellant had lodged his grounds of appeal on the 2nd August 2017 from where he was being detained in Harmondsworth. On the 8th August 2017 he was granted bail by a First-tier Tribunal Judge, sitting in Birmingham. The First-tier Tribunal Judge set a condition that the Appellant was to report to an Immigration Officer in Liverpool on the 17th September 2017, and to attend any reporting appointment thereafter that the Immigration Officer might make. The Home Office records show an Immigration Officer in Liverpool set, on the 17th September 2017, weekly reporting requirements for the Appellant. As far as Mr Harrison was aware, the Appellant has not attended a single appointment; nor did he report on the 17th September 2017 as he had been required to do by the Judge.
5. At 11.30am there had been no attendance by the Appellant and no correspondence from him to indicate that he might be delayed or wished the matter to be adjourned. Having regard to the chronology set out above I considered it to be unlikely that adjourning the matter would result in his attendance at a later date and mindful of the overriding objective for the expeditious and fair disposal of appeals, I decided to proceed in the Appellant's absence.
6. Mr Harrison relied on the Rule 24 response and invited me to dismiss the appeal.

Discussion and Findings

7. Having regard to the arguable errors identified by Judge Keane, I do not consider it necessary to deal in any detail with points (i)-(iii), which are concerned with the protection claim. I need not say very much about those matters since this is an appeal that would fail on internal protection grounds even if the Appellant could make out his claim on the facts to the lower standard. Even if his stepbrother is in the BNP, and has some local power, the facts fall well short of establishing that he would be able, or even interested, in pursuing the appellant wherever he lived in Bangladesh. The point is that he wants the land. If the Appellant is not in the home area, he has the land. It matters not to him whether the Appellant is dead, in the UK or on the other side of the country. The Appellant is a 23 year-old man. There is no evidence before me to indicate that he has any kind of health problems or other impairments to establishing himself in Bangladesh. He lived in that country until he was 13. He understands the culture and speaks the language. I cannot see that there was any basis upon which the First-tier Tribunal could have concluded that internal flight would be an unreasonable alternative to international

protection.

8. As to the human rights decision Judge Keane was correct to describe the human rights assessment as cursory. It is arguable that the Tribunal should have expended a little more energy on examining the potential interference with a private life of some ten years standing, much of which was developed whilst the Appellant was a child. I agree that no reference has been made to the *Razgar* framework. I am however unable to find those omissions to be material errors. The Appellant had only ever lived in the United Kingdom unlawfully and as such little weight could be attached to his private life. Even if weight could be added (or rather the weight to be attached to the public interest reduced) because for at least four of those years he was a child, there is nothing in this case to indicate that his removal might constitute an interference with his human rights as protected by Article 8.
9. The appeal therefore fails on both grounds before me. I note that the Appellant did, in seeking permission, rely on some new material. Since I have found no error of law I have expressly excluded that material from my consideration.

Decisions

10. The decision of the First-tier Tribunal contains no material error of law and it is upheld.
11. There no order for anonymity.

Upper Tribunal Judge Bruce
30th November 2017