



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/01935/2018

THE IMMIGRATION ACTS

Heard at Bradford
On 3 July 2018

Decision & Reasons Promulgated
On 14 August 2018

Before

UPPER TRIBUNAL JUDGE LANE

Between

B H
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Not present or represented

For the Respondent: Mr Diwnycz, a Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant, BH, born in 1983 and is a male citizen of Bangladesh. By a decision dated 30 January 2018, he was refused international protection by the Secretary of State. He appealed to the First-tier Tribunal (Judge Housego) which, in a decision promulgated on 6 March 2018, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. The appellant did not attend the hearing at Bradford on 3 July 2018. I am satisfied that the notice of hearing was served by second class post on 5 June 2018 to the appellant's

last recorded address (14 Robinson Avenue, Sheffield S9 3DG). The appellant has not provided any reason or excuse for failing to attend the Tribunal hearing. I therefore proceeded to hear the appeal in his absence.

3. The appellant's manuscript grounds of appeal do not challenge the decision on asylum/ Article 3 ECHR other than asserting that the judge gave excessive weight to 'minor discrepancies'. The attribution of weight to particular items of evidence was a matter for the judge. The grounds fail to explain how the judge arguably erred other than by reaching findings of fact with which the appellant does not agree.
4. The appellant also challenge the judge's analysis of Article 8 ECHR. The analysis appears at [46]:

The Article 8 proportionality assessment can be very short as the balance sheet contains no evidence of any family life in the UK and his private life consists of illegal working [for thirteen years] long term. There was no evidence of strong links with the community as said in the appeal document. The appellant has always been in the UK illegally and s.117B [of the 2002 Act] applies to give any private life there (*sic*) little weight. The appellant has been here a long time is also less weight given his 2009 detention and absconding. On the other hand there was a strong public interest and effective immigration control.

5. The grounds of appeal complain that the judge took a "casual approach" towards the rehabilitation of the appellant in Bangladesh. I have no idea what is meant by that assertion. The appellant also complains that his legal representative let him down and that there were no "proper documents" before the First-tier Tribunal. Again, I have no way of knowing exactly what the appellant means. The appellant does not, in the grounds of appeal, specifically argue that the judge should have adjourned the hearing because the appellant's representative was not present. The grounds also contain an assertion that the appellant had been "consistent in her account right from the outset". Leaving aside the incorrect gender of the appellant, that ground amounts to nothing more than a disagreement with findings available to the judge. Finally, the appellant complains that he would not have a "normal life in Bangladesh" and that the judge had "failed to apply Article 8 ... had this been done the outcome of the appeal could have been different". That latter ground is factually incorrect; although the Article 8 analysis is brief, it is set out in the decision. No particulars are given to support the appellant's claim that he would not have a "normal life in Bangladesh".
6. I acknowledge that the judge's Article 8 analysis is brief but he has given reasons why that is the case. In particular, the judge found that there was no evidence of family life in the United Kingdom and that the appellant's private life consisted of nothing more than illegal working which the judge correctly noted should be given little weight. Although brief, I find that, on the particular facts in this case, the judge's Article 8 analysis is adequate.

Notice of Decision

This appeal is dismissed.

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 their 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 2 AUGUST 2018

Upper Tribunal Judge Lane

TO THE RESPONDENT
FEE AWARD

I have dismissed the appeal and therefore there can be no fee award.

Signed

Date 2 AUGUST 2018

Upper Tribunal Judge Lane