



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

Appeal Number: PA/05636/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 17th December 2018**

**Decision & Reasons
Promulgated
On 8th January 2019**

Before

DEPUTY UPPER TRIBUNAL JUDGE JUSS

Between

**GULAM [H]
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr A Slatter (Counsel)

For the Respondent: Mr J Whitwell (Senior Home Office Presenting Officer)

DECISION AND REASONS

This is an appeal against the determination of First-tier Tribunal Judge Andonian, promulgated on 29th June 2018, following a hearing at Taylor House on 1st June 2018. In the determination, the judge dismissed the appeal of the Appellant, whereupon the Appellant subsequently applied for, and was granted, permission to appeal to the Upper Tribunal, and thus the matter comes before me.

The Appellant

The Appellant is a male, a citizen of Bangladesh, and was born on 30th October 1978. He appealed against the decision of the Respondent, Secretary of State, dated 17th April 2018, refusing his application for asylum and for humanitarian protection, pursuant to paragraph 336 of HC 395.

At the hearing before me on 17th December 2018, it was agreed between Mr Whitwell, Senior Home Office Presenting Officer, and Mr Slatter, Counsel on behalf of the Appellant, that the determination of the judge amounted to an error of law, such that it ought to be set aside and remitted back to the First-tier Tribunal, to be heard by a judge other than Judge Andonian. There were various reasons for this. The grounds of application stated that the decision was prolix and unstructured, and made serious errors of fact. The grant of permission by IJ P J M Hollingworth, dated 15th October 2018, stated that it was arguable that the judge should have set out a holistic analysis of the issues appertaining to credibility, instead of intermixing credibility findings with setting out that which took place at the hearing, in dealing with questions relating to credibility on a discrete basis.

At the hearing of 17th December 2018, Mr Slatter, appearing on behalf of the Appellant, submitted that the judge had misunderstood the Appellant's claim. He had stated, in relation to the Appellant's alleged fear, that, "he was the *leader* of the Islamic Chhatra Shibir in Bangladesh and government" (paragraph 12), whereas reality was that he was not a "leader", but a supporter. Mr Whitwell accepted that this was the case. In the same way, the judge had failed to make any findings in relation to the Appellant's *sur place* activities in the UK, when he had said that he went to a meeting on 15th January at a restaurant in London, and also to a conference in the Houses of Parliament, which took place on 16th October 2017, being organised by Universal Voice for Justice (see paragraph 47). The judge made no finding in relation to this at all. In the same way, Mr Slatter submitted that evidence from Mr Muhammad Mobibullah, who was an officeholder of the Bangladesh Islami Chhatra Shibir, whilst recounted (at paragraph 55), lead to no finding in relation to the reliability of such evidence. The evidence from other witnesses also had no findings made. This being so, Mr Whitwell submitted that the appropriate course of action was for this matter to be remitted back to the First-tier Tribunal to be reheard again.

Notice of Decision

I am satisfied that the making of the decision by the judge involved the making of an error on a point of law, such that it falls to be set aside. I set aside the decision of the Tribunal Judge. I remake the decision as follows. This appeal is remitted back to the First-tier Tribunal, to be determined by a judge other than Judge Andonian, pursuant to practice statement 7.2(b).

No anonymity order is made.

Signed

Date

Deputy Upper Tribunal Judge Juss

4th January 2019