



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

Case No: UI-2022-006674

First-tier Tribunal No: PA/50038/2021  
IA/02882/2021

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:  
On 20 September 2024**

**Before**

**UPPER TRIBUNAL JUDGE LANDES**

**Between**

**S A  
(ANONYMITY ORDER MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Ms K McCarthy, counsel instructed by Hunter Stone Law  
For the Respondent: Mr S Walker, Senior Home Office Presenting Officer

**Heard at Field House on 12 September 2024**

**Order Regarding Anonymity**

**Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant is granted anonymity.**

**No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant. Failure to comply with this order could amount to a contempt of court.**

**DECISION AND REASONS**

1. The appellant, with permission granted by Judge Cox, appeals against the decision of Judge Buckwell, promulgated on 9 January 2022, to dismiss his appeal against the respondent's refusal on 22 December 2020 of his international protection and human rights' claims made on 1 May 2020.

2. An anonymity order was issued by Upper Tribunal Judge Gill on 12 March 2024. I continue that anonymity order bearing in mind that this is a protection claim.
3. The judge accepted that certain political opponents of the Awami League could face risk on return to Bangladesh.
4. The judge however found against the appellant that *“the credibility of the appellant is brought significantly into doubt by reference to the very questionable veracity of certain documents which have been presented in this appeal”* [123]. The particular documents which the judge referred to were a letter from the President of the BNP for the Jagannathpur Upozila Branch and a letter from Dr Das of the Sadar Hospital. Both letters were written in English. The judge referred to spelling errors in the documents, including in the case of Dr Das the referring to his qualifications as *“obstetries & gynaecology.”* He also referred to a contradiction in the letter from the local BNP President. The judge found the spelling errors brought into doubt the overall credibility of all documents which were said to pertain to the appellant personally and he specifically found those two documents to be *“fake documents.”*
5. The grounds aver that the judge erred in his factual findings about the spelling errors in the documents in that the findings were based on his own preconceptions. It was not self-evident that they were errors or errors on which significance could be placed given the standard of English in documents in Bangladesh, that place names would be transliterations of Bengali names and that *“obstetries”* was simply an old-fashioned word as a Google search revealed. The finding of a significant contradiction in the President’s letter was imposing a particular construction on the syntax. In addition, it was said that the concerns, which had not been raised by the respondent, should have been put to the appellant. It was averred that even if there were errors in the documents, they were not sufficiently egregious to found a finding that the documents were false, as opposed to unreliable, and that two unreliable documents would not necessarily have infected all the other documents including court documents.
6. Mr Walker indicated at the hearing that he agreed on behalf of the respondent that the judge had erred in the manner complained of.
7. I agree with the respondent’s conclusion. I observed to the representatives that following the invitation in the grounds I had carried out a Google search on the word *“obstetries”* and whilst a number of the results were in fact when examined hits for the word *“obstetrics”* what did seem to be a genuine result was a listing for a hospital in Chattogram, Bangladesh which appeared to have an *“obstetries and gynaecology department”* when the link was followed through to the hospital website. It highlights the danger of coming to definitive conclusions based only on one’s own experience.
8. Not only is a basis on which the doctors’ letter was found to be false undermined, if the judge’s provisional view was that he was likely to conclude, despite this not being an issue raised by the respondent, that two documents were positively false, and that this finding would be central to his overall conclusions, these concerns should have in fairness been put to the appellant, to enable him and his representatives to respond.
9. The judge’s errors are material, as they go to credibility and to procedural fairness and formed the central plank of the judge’s reasoning why the appeal should be dismissed.

10. The representatives were agreed that given the extent of fact-finding necessary, the appeal should be remitted to the First-Tier Tribunal with no findings preserved.

**Notice of Decision**

**The judge's decision contains material errors of law and is set aside with no findings preserved.**

**The appeal is remitted to the First-Tier Tribunal to be heard by a different judge.**

**A-R Landes**

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

**13 September 2024**