



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

Appeal Number: HU/05316/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 26 November 2018**

**Decision & Reasons
Promulgated
On 17 December 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE SHERIDAN

Between

**MR LITON HOSSAIN
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Not represented

For the Respondent: Mr T Lindsay, Home Office Presenting Officer

DECISION AND REASONS

1. By a decision promulgated on 12 October 2018 I set aside the decision of the First-tier Tribunal. I now remake that decision.
2. The appellant, a citizen of Bangladesh born on 6 March 1987, is appealing against the decision of the respondent on 8 February 2018 to refuse his application for leave to remain in the UK on the basis of his private life and under Article 8 ECHR.

3. The appellant's case is that he came to the UK on 29 December 2015 as a Tier 4 (General) Student with leave until 31 May 2017 in order to study English language and applied linguistics at Coventry University. He claims that because of medical issues arising from excruciating pain in his teeth he was unable to attend a number of classes and as a consequence Coventry University terminated him from the course. He claims that his family invested substantial funds in supporting his education and will be greatly disappointed and upset if he returns to Bangladesh without concluding his education.
4. The appellant also claims that he is an active blogger who has taken a firm view against religious extremism and that he is a member of the Bangladesh Secular Humanist Movement. He expressed concern that upon return to Bangladesh he would be unable to continue with what he described as his non-conventional agnostic beliefs.
5. He expressed a wish to be given the opportunity to complete his studies so that he can obtain employment in another country and avoid returning to Bangladesh where he believes his freedom to disavow his religious heritage would be stifled.
6. Mr Lindsay drew attention to the absence of any documentary evidence to support the appellant's contention that the reason his studies at Coventry University were terminated were because of medical problems. He also noted the absence of any letter or other evidence from a doctor concerning an inability to study because of the teeth difficulties.
7. With respect to the appellant's claim that he fears being unable to express his beliefs in Bangladesh Mr Lindsay noted that this had not been raised prior to today's hearing and that there was an absence of any evidence to support the claim.
8. The only evidence adduced by the appellant was a printout from Facebook which sets out what appears to be the principles or agenda of the Bangladesh Secular Humanist Movement. However, as noted by Mr Lindsay, there is nothing in these documents to indicate that they were written or endorsed by the appellant.

Analysis

9. This is an appeal pursuant to Section 84(1)(c) of the Nationality, Immigration and Asylum Act 2002 ("the 2002 Act") (that removal of the appellant from the UK would be unlawful under Section 6 of the Human Rights Act 1998) where the appellant contends that his removal would breach his right to respect for private and family life under Article 8 of the European Convention on Human Rights.
10. The appellant is not able to satisfy any of the routes to leave to remain under the Immigration Rules. The only paragraph of the Rules he could

potentially avail himself of his 276ADE(1)(iv), on the basis that there would be very significant obstacles to his integration into Bangladesh.

11. However, the appellant has spent the vast majority of his life in Bangladesh and has not submitted any evidence to show that he does not have family in Bangladesh or that he would face difficulties in the job market or integrating into life in Bangladesh.
12. The appellant claims that he would face challenges in Bangladesh because of his rejection of conventional Islam. However, as pointed out by Mr Lindsay, the appellant has not submitted any evidence to substantiate this claim. The appellant submits that he is an active blogger but no documents showing the blogging activity were adduced. He submits that he is a member of and active in the Bangladesh Secular Humanist Movement but no documents were submitting demonstrating this. The only document adduced is a Facebook page of the Bangladesh Secular Humanist Movement where no reference is made to the appellant. I therefore do not accept the appellant's claim that he has non-conventional agnostic beliefs which have been expressed publicly. In any event, the appellant has not submitted any objective evidence to show that having his claimed belief system would place him at risk or create difficulties for him in Bangladesh. I therefore do not accept that the claimed agnostic beliefs and/or activities would be an obstacle to integrating into Bangladesh.
13. It is clear that the appellant has a strong desire to remain in the UK and complete his studies but this does not constitute an obstacle, let alone very significant obstacle, to integration into Bangladesh.
14. I now turn to consider the appellant's claim outside the Immigration Rules having regard to the considerations enumerated in Part 5A of the 2002 Act.
15. The appellant speaks English and is financially independent as he has been able to rely on his family to support him. The factors at paragraphs 117B(2) and (3) of the 2002 Act therefore do not weigh against him.
16. The appellant's private life in the UK was established when his immigration status was precarious as he entered the UK as a student with no reasonable expectation of a right to settle. Therefore, in accordance with Section 117B(5), little weight should be given to his private life.
17. I balance the factors under Article 8 outside the Rules as follows:
18. Weighing in favour of the appellant is that he has spent almost three years in the UK and that he and his family have invested in his education. He also speaks English and is not a burden on the tax payer.

19. Weighing against him is that:

- The maintenance of effective immigration control is in the public interest and there is no lawful basis for the appellant to remain in the UK.
- The appellant came to the UK as a student with no reasonable expectation of permanent settlement.
- His private life in the UK was established when his immigration status was precarious.
- He has been in the UK for only a short period of time.
- He has not established a family life with a partner or children in the UK.

20. Balancing the aforementioned factors it is, in my view, overwhelmingly clear that removing the appellant from the UK would not be disproportionate under Article 8(2) ECHR. His appeal is therefore dismissed.

Notice of Decision

The appellant's appeal is dismissed.

No anonymity direction is made.

Signed



Deputy **Upper** Tribunal Judge
Sheridan

Dated: 11 December 2018