



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

Appeal Number: PA/12058/2018

**THE IMMIGRATION ACTS**

**Heard at Manchester Civil Justice  
Centre  
On 12 February 2019**

**Decision & Reasons Promulgated  
On 26 February 2019**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

**AH  
(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 Bates, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant, AH, was born in 1986 and claims to be a citizen of Bangladesh. By a decision dated 5 October 2018, the Secretary of State refused the appellant's international protection claim. The appellant appealed to the First-tier Tribunal (Judge Ian Howard) which, in a decision promulgated on 14 November 2018 dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. The appellant did not attend the initial hearing at Manchester Civil Justice Centre on 12 February 2019. I am satisfied, having examined the file, that

he was served by post at his last known address in Gatley, Cheshire on 17 January 2019. He has provided no explanation or excuse for his failure to attend. In the circumstances, I proceeded with the hearing in the absence of the appellant.

3. The appellant claimed to fear return to Bangladesh because he has converted to Christianity and is homosexual. Both claims were not believed by Judge Howard.
4. I shall deal with the grounds of appeal in the order in which they are pleaded. First, the appellant asserts that the judge did not direct himself to the proper burden and standard of proof. The ground has no merit. The judge correctly identified that the burden of proof fell on the appellant [9]. The judge makes reference to the “criterion” being that of “reasonable likelihood” [9]. At [23], at the end of his findings of fact in respect of the appellant’s claim to be homosexual, the judge found that “even to the lower standard ... he is [not] gay”. The grounds of appeal complain that it is not clear in this context where the “lower standard” is lower than that of the balance of probabilities. The ground has no merit. Had the judge adopted the standard of proof of the balance of probabilities, then I have no doubt that he would have said so. Given that the judge is referring here to the “lower standard” it is axiomatic that that standard is below that of the civil standard, namely the balance of probabilities. I have no doubt that the judge has applied the appropriate standard of proof.
5. Secondly, the appellant complains that the judge had not referred to any country guidance. The judge found that the appellant was not a homosexual or a Christian. There was no need for the judge to go further in examining risk on return given that an individual who is nothing more or less than a failed returned asylum seeker from the United Kingdom would not be at real risk on return to Bangladesh.
6. The grounds complain that the judge took no account of vulnerability guidance in the light of the appellant’s age and the possibility that he is suffering from post-traumatic stress disorder (PTSD). The appellant was born in 1986 and was therefore nearly 32 years old at the date of the First-tier Tribunal hearing. As such, he was not a young man. There is no medical evidence to indicate that the appellant is suffering from PTSD.
7. Fourthly, the decision is challenged on the grounds that he gave inadequate reasons for rejecting the appellant’s credibility. I acknowledge that the decision of the judge is brief. However, the evidence adduced by the appellant was equally brief. There was no documentary evidence or witness evidence in support of the appellant’s claim. At [21] the judge identified an inconsistency in the appellant’s evidence regarding his claim to be homosexual. The judge was also entitled to conclude that “given the religious conservatism of the Bangladeshi diaspora” the appellant’s claimed partner and co-worker Rashid would not “be open about his sexuality and his gay relationship with the appellant”. A judge’s decision

and reasons is likely to be proportionate to the quantity of evidence provided in an appeal. In other words, in this appeal the judge did not have much to go on. He has, however, identified a discrepancy in the appellant's evidence and that evidence is, as Mr Bates submitted, nothing more or less than self-reporting. Given that the appellant's own account was the only evidence upon which he relied the fact that it contained a discrepancy entitled the judge to conclude that the appellant was not a reliable witness.

8. The judge also identified inconsistencies in the appellant's claimed interest in Christianity. Those inconsistencies are described at [25-26]. It was open to the judge to find that the discrepancy was further damaging to the appellant's credibility.
9. For the reasons given above, the appeal is dismissed.

**Notice of Decision**

10. This appeal is dismissed.
11. An anonymity direction is made.

**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 his 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 23 February 2019

Upper Tribunal Judge Lane

**TO THE RESPONDENT**  
**FEE AWARD**

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

Signed

Date 23 February 2019

Upper Tribunal Judge Lane