



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

Appeal Number: PA/12329/2018

THE IMMIGRATION ACTS

**Heard at Manchester Civil Justice Centre
On 12th April 2019**

**Decision & Reasons Promulgated
On 17th April 2019**

Before

UPPER TRIBUNAL JUDGE COKER

Between

RAQIBUR RAHMAN

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: No appearance by 12 noon by either the appellant or by his instructed solicitors; no explanation for the lack of appearance

For the Respondent: Mr A McVeety, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant, a Bangladeshi citizen, arrived in the UK in 2011 with entry clearance as a Tier 4 student; he had leave to remain until 28th November 2014. His visa was curtailed but not served on him because his whereabouts were unknown. He was encountered working illegally, made an application for leave to remain on family and private life grounds which was refused in May 2015. He failed to attend reporting appointments, and was listed as an absconder. In March 2018 he was encountered again working illegally and arrested. He claimed asylum on 5th April 2018. His asylum claim was refused on 28th

September 2018 and his appeal came before First-tier Tribunal Judge Gladstone who having heard the appeal on 2nd November 2018 dismissed the appeal for reasons set out in a decision promulgated on 13 December 2018.

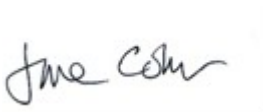
2. The appellant sought permission to appeal the decision of the judge refusing the international protection claim; permission was refused and the application was not renewed.
3. Permission to appeal the First-tier Tribunal decision, was granted on the grounds that it was arguable the judge had failed to give any or any adequate consideration to Article 8. The grounds submit that the judge made no finding on whether there would be very significant obstacles to the appellant's reintegration into Bangladesh, that the First-tier Tribunal had recognised in the decision that consideration of paragraph 276ADE(1) was in issue and yet had failed to address this.
4. The grounds of appeal to the First-tier Tribunal make a general claim that removal would be a breach of Article 8. The appellant's representative before the First-tier Tribunal confirmed that the appellant relied upon Article 8 family life – see [13] decision. In [150] of the decision, the judge reiterates that the appellant's representative "was clear that the appellant relied on the family life aspect only". The judge notes there was no evidence of a relevant child and that the representative only referred the judge to the appellant's witness statement with no other supporting evidence. The judge records that there was no evidence of extant family life and the appellant gave no evidence in relation thereto. The judge's decision regarding family life is unassailable.
5. In so far as private life is concerned it is plain that the appellant did not, at the hearing, rely upon any private life aspect of Article 8. Nevertheless the judge, for completeness, adopted, in the decision, the respondent's reasons.
6. It is inconceivable that the judge can be considered to have fallen into legal error in failing to consider that which was specifically not relied upon.
7. There is no error of law.

Conclusions:

The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.

I do not set aside the decision, the decision of the First-tier Tribunal dismissing the appeal on all grounds stands.

Date 12th April 2019



Upper Tribunal Judge Coker