



IAC-AH-SAR-V1

**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: PA/10400/2019**

THE IMMIGRATION ACTS

**Heard remotely via Skype for Decision & Reasons Promulgated
Business
On 19 February 2021 On 04 March 2021**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**MAK
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Daykin

For the Respondent: Mr Bates, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant, a male citizen of Bangladesh, appeals against a decision of the First-tier Tribunal promulgated on 27 February 2020 which dismissed his appeal against the Secretary of State's decision dated 14 October 2019 to refuse him international protection. The appellant now appeals, with permission, to the Upper Tribunal.
2. There are two grounds of appeal. First, the appellant contends that the First-tier Tribunal erred in law by failing to give weight to internet

background material in the form of reports of 'highly reputable' NGOs, including CIVICUS and Human Rights Watch. It was the appellant's evidence that charges had been brought against him notwithstanding that he had been living outside Bangladesh for 8 years. At [100], the judge records that the appellant's representative had submitted that there were 'credible news reports that many hundreds of cases have been filed against BNP [the party the appellant claimed to support] ... by the Awami League.' The websites cited by the representative in support of her submission included those of Human Rights Watch and CIVICUS. The judge commented that, 'I was not given any information of the independence or reliability of the websites.'

3. Whilst I take judicial notice of the high media profile of Human Rights Watch, in particular, I agree with Mr Bates, who appeared at the initial hearing for the Secretary of State, that the judge does not actually state that she did not attach weight to the internet evidence as the grounds assert. Her subsequent finding at [101] that she did not believe that the appellant had faced charges 8 years after he had left Bangladesh makes no reference to the websites and arose from the judge's assessment of all the appellant's evidence, parts of which the judge gives detailed reasons for finding to be inconsistent or unreliable. She notes, for example, that the appellant had claimed in November 2018 that he did not know why the police should be interested in him; however, the FIR, which first indicated to the appellant that he was of interest to the police, was not produced until 24 December 2018. Further, the judge gives additional detailed reasons at [103-105] for her finding that the appellant is an unreliable witness. Whilst it may have been helpful if the judge had made a clear finding as to the weight she intended to attach to the background internet material, it is clear that she did not reject it entirely nor did she indicate that any poor opinion she may have taken of that evidence had led to her conclusion that the appellant's claim had been fabricated; looked at in the round, there is no causal connection between the judge's findings on credibility and the weight or lack of weight she may or may not have attached to the internet background material. Those findings on credibility, subject to the judge's findings on the issue of *sur place* activity, were determinative of the appeal.
4. The second ground concerns the judge's analysis of the issue of *sur place* activity. The judge found that the appellant had attended BNP meetings and demonstrations whilst in the United Kingdom but rejected the 'unsubstantiated' assertion in a letter from BNP United Kingdom that the appellant's activity had led the Bangladeshi government to 'put [the appellant's] name at their hit list.'*(sic)* The appellant contends that the judge made confusing findings, on the one hand accepting that the appellant had taken part, as he had claimed, in political activities but also rejecting evidence (the letter from BNP UK) which supported his claim of facing a risk on return as a consequence of his United Kingdom activities.
5. I do not accept that the judge's findings are incomplete or confusing. In my opinion, the judge was correct to find that the claim in the BNP UK

letter was ‘unsubstantiated’, no evidence having been advanced which supported the claim that attendance at a meeting in the United Kingdom by an individual with no genuine attachment to the BNP or political profile in Bangladesh would lead to the inclusion of his name on a government ‘hit list.’ The grounds go on to assert that the question of whether the appellant had been identified by the Bangladesh government as a genuine opponent was ‘key to the [judge’s] consideration of the likelihood of the court documents being genuine.’ I disagree. I do not see how the fact that the appellant may have attended a few meetings in the United Kingdom can undermine the judge’s core finding, based on an examination of the whole evidence, that the court documents and the appellant’s entire claim were not genuine. Moreover, the grounds entirely fail to explain how *sur place* activity alone and absent any domestic Bangladeshi political or security profile or criminal record would expose the appellant to a real risk on return to Bangladesh. I am not aware of any evidence or relevant country guidance which might suggest that it would.

6. For the reasons I have given, I am satisfied that the First-tier Tribunal did not err in law for the reasons advanced in the grounds of appeal or at all. Accordingly, the appeal is dismissed.

Notice of Decision

The appeal is dismissed.

Signed
2021
Upper Tribunal Judge Lane

Date 23 February

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellants are granted anonymity. No report of these proceedings shall directly or indirectly identify them or any member of their family. This direction applies both to the appellants and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.