



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-004993

First-tier Tribunal No: PA/55231/2022

THE IMMIGRATION ACTS

Decision & Reasons Issued:

22nd January 2024

Before

UPPER TRIBUNAL JUDGE OWENS

Between

MS

(ANONYMITY ORDER MADE)

and

Appellant

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Doerr, Counsel instructed by Direct Access
For the Respondent: Mr Clarke, Senior Presenting Officer

Heard at Field House on 16 January 2024

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 MADE PURSUANT TO RULE 40(3) OF THE
TRIBUNAL PROCEDURE (UPPER TRIBUNAL) RULES 2008

1. The appellant appeals with permission against the decision of First-tier Tribunal Judge Doyle sent on 22 October 2023 dismissing his appeal against the respondent's decision dated 14 November 2022 refusing his protection and human rights claim.

2. The judge found that the appellant was not at risk of serious harm if returned to Bangladesh because he has no political profile, and his credibility has been damaged. He dismissed the appeal on all grounds.
3. Permission was granted by Upper Tribunal Judge Norton-Taylor on the basis that arguably the judge failed to make clear findings on material aspects of the appellant's case and failed to properly consider the expert evidence including the potential consequences of claimed "sur place" activities.
4. At the outset of the error of law hearing, Mr Clarke, for the respondent, conceded that the grounds of appeal were entirely made out and that the decision was unsustainable. He acknowledged that there was copious evidence of the appellant's political activities before the judge, that there was a lack of clear findings and that the judge had failed to assess the claim on the basis of how the appellant's activities would be perceived by the Bangladeshi authorities.
5. I am satisfied that the respondent's concession is entirely appropriate for the reasons set out in the grant of permission. The decision contained several errors of law which are material because they are capable of affecting the outcome of the appeal. The decision is therefore set aside in its entirety with no findings preserved.
6. Both representatives agreed that the appeal should be remitted to the First-tier Tribunal because of the extent of the factual findings which need to be made and out of fairness to the appellant.
7. Rule 40 (3) provides that the Upper Tribunal must provide written reasons for its decision with a decision notice unless the parties have consented to the Upper Tribunal not giving written reasons. I am satisfied that the parties have given such consent at the hearing.

Notice of Decision

8. The decision of the First-tier Tribunal involved the making of an error of law.
9. The decision of the First-tier Tribunal is set aside in its entirety with no findings preserved.
10. The decision is remitted to the First-tier Tribunal for a de novo hearing before a judge other than First-tier Tribunal Judge Doyle.

R J Owens

Judge of the Upper Tribunal
Immigration and Asylum Chamber

16 January 2023