



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

Appeal Number: PA072382016

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 25 April 2017**

**Decision promulgated and sent  
On 26 May 2017**

**Before**

**Upper Tribunal Judge FREEMAN**

**Between**

**S A  
(ANONYMITY ORDER MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the appellant: *Catherine Bexson* (counsel instructed by Abbey Law, St Albans)

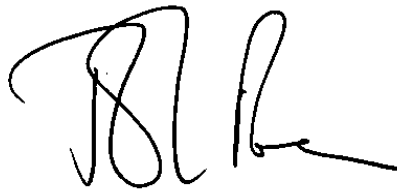
For the respondent: Mr Tom Wilding, Home Office Presenting Officer

**DECISION AND REASONS**

1. This is an appeal by a citizen of Bangladesh, born in 1988, from a decision by Judge Nalla Lawrence, sitting at Hatton Cross on 12 January 2017.

2. On 5 January 2016 this appellant, who had been here for several years as a student, applied for asylum, on the basis that he was a homosexual who had a well-founded fear of persecution on return to Bangladesh, and an important part of his case was his relationship with a man called L R, who he said was his partner. On 30 June his application was refused on asylum and private and family life grounds. The judge did not believe that the appellant was a homosexual at all; but permission to appeal was granted on the basis that he had given no reasons for rejecting the evidence of the appellant's partner, which was given in person, and had not dealt with a letter from a psychologist, giving his opinion that the appellant was a homosexual.
3. Whatever the outcome should have been, the partner's evidence at least was crucial to the outcome of this case, and the parties are agreed that this appeal must be allowed, with a direction for a fresh hearing before another first-tier judge. Pending any decision at or on that hearing, 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.

**Appeal allowed: first-tier decision set aside  
Fresh hearing before first-tier judge (not Judge Lawrence)**



(Judge of the Upper Tribunal)  
Date 26<sup>th</sup> May 2017