



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

Case No: UI-2023-005086  
First tier number: HU/58671/2022

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**

On 27<sup>th</sup> of February 2024

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

**SABRINA KABIR**  
**(NO ANONYMITY ORDER MADE)**

Appellant

**and**

**Secretary of State for the Home Department**

Respondent

**Representation:**

For the Appellant: Mr Skinner  
For the Respondent: Mr Clarke, Senior Presenting Officer

Heard at Field House on 22 January 2024

**DECISION AND REASONS**

1. The appellant, a female citizen of Bangladesh, appealed on human rights grounds against the respondent's decision dated 3 November 2022, refusing her application for leave to remain dated 11 October 2021. The First-tier Tribunal dismissed her appeal. The appellant now appeals to the Upper Tribunal.
2. The grant of permission (Judge Rhys-Davies) helpfully summarises the grounds of appeal and succinctly explains why permission has been granted:

There are two Grounds: that the Judge failed to make the necessary findings of fact as to the situation to which the Appellant would return in Bangladesh, when considering the "very significant obstacles to integration" test; and that the Judge erred by referring to the facts of Kamara, rather than its legal principles;

There is merit in Ground 1 at least. In a commendably concise Decision, it is at least arguable that the Judge has materially erred as pleaded by not making sufficient findings. The Appellant's case is that she has significant mental health issues. She argues that these factors would impede her integration, so that notwithstanding her history of living in Bangladesh until she was in her early 20s, being educated, and speaking Bengali, she would face very significant obstacles. At [23] it appears that the Judge accepts the medical conditions are as claimed, yet he does not then go on to make findings on whether that would affect her integration, particularly if he accepted she would have no support network.

The Appellant also claimed to have no family or other support network to assist her integration. The Judge makes no findings on that at all. Judge Davidson, who heard the Appellant's protection appeal in 2019, and whose Decision was before the Judge, had rejected the Appellant's credibility in the round and had specifically found that "...if she were to be returned to Bangladesh she could return to live with her family and there would be no risk to her in so doing" ([28] of Judge Davidson's Decision) but the Judge declined to follow Judge Davidson (see [29] of the Decision). 6. Ground 2 is of less merit. The Judge might properly contrast the apparent difficulties claimed by this Appellant with those of Kamara, without erring in applying the principle. However, I do not restrict permission.

3. Both parties agree that the First-tier Tribunal has erred in law, in particular for the reasons asserted at Ground 1. There was no requirement for the judge to make findings on each and every part of the evidence but, given the legal test which he was applying in this instance, his failure to make any clear findings as regards the appellant's mental health and the presence or absence of members of the appellant's family in Bangladesh vitiates the decision.

### **Notice of Decision**

The decision of the First-tier Tribunal is set aside. None of the findings of fact shall stand. The appeal is returned to the First-tier Tribunal for that Tribunal to remake the decision after a hearing *de novo*.

**C. N. Lane**

Judge of the Upper Tribunal  
Immigration and Asylum Chamber  
**Dated: 20 February 2024**