



Upper Tribunal  
(Immigration and Asylum Chamber)      Appeal Number: UI-2024-  
002509

PA/53379/2023  
LP/00995/2024

**THE IMMIGRATION ACTS**

**Decision and Reasons  
Promulgated**

**4 September 2024**

**Before**

**Deputy Upper Tribunal Judge MANUELL**

**Between**

**M H  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

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

Respondent

**Heard at FIELD HOUSE on 16 August 2024**

**Representation:**

For the Appellant:      Mr P Jorro, Counsel  
  (instructed by Lawmatic Solicitors)

For the Respondent: Mr M Parvar, Senior Home Office Presenting  
Officer

## **DECISION AND REASONS**

### *Introduction*

1. The Appellant appealed with permission granted by Upper Tribunal Judge Norton-Taylor dated 18 June 2024 against the decision of First-tier Tribunal Judge Beg who had dismissed the appeal of the Appellant against the refusal of his international protection and human rights claims. The decision and reasons was promulgated on or about 9 April 2024. Permission to appeal had been refused by the First-tier Tribunal. The anonymity order previously made remains in force.
2. The Appellant entered the United Kingdom on 17 February 2010 with entry clearance as a student, valid until 31 July 2012. He then made a human rights claim, which was refused on 15 February 2013. His appeal before the First-tier Tribunal was dismissed on 4 July 2013. Permission to appeal was refused on 9 August 2013 and he became appeal rights exhausted on 21 August 2013. The Appellant nevertheless remained in the United Kingdom without any leave. On 31 May 2016, the Appellant claimed asylum. That claim was refused and certified as clearly unfounded on 29 November 2016, with only an out of country appeal, which was not exercised. On 27 June 2022, the Appellant made further submissions and asserted a fresh claim. The Respondent accepted the further submissions as a fresh claim, which claim was refused on 27 March 2023.
3. The Appellant claimed that if he is returned to Bangladesh, it would place him at risk of persecution or ill-treatment, owing to his political opinion as an active supporter of the Bangladesh Jamaat-e-Islami (BJEI) party. He relied upon criminal cases and arrest warrants he claimed had been issued against him in Bangladesh and *sur place* activities in the United Kingdom.
4. Judge Beg found that Devaseelan\* [2002] UKIAT 702 applied to the previous determination of Designated Judge Shaerf. Judge Shaerf did not accept the police or courts documents produced by the Appellant in 2013 as reliable evidence. Nor did he accept the Appellant's party membership card as genuine. The Judge noted that the Appellant claimed that he did not know about the arrest warrants, despite the newspaper article of 21 December

2009, dated more than two months before he left Bangladesh. He stated that there was no explanation why the Appellant would be able to produce the newspaper article yet claim that he did not know its contents until after he left the country. The Judge noted that only when the Appellant was not in a position to seek further leave to remain as a student, did he apply for international protection. He found that the Appellant's failure to make an asylum claim damaged his credibility in accordance with section 8 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004. The Judge concluded that the core elements of the Appellant's account were neither plausible nor credible. He attached little weight to the documents, whether singularly or in total. He found that the Appellant had not shown that on return to Bangladesh, he was at risk of persecution, serious harm or likely to suffer ill treatment.

5. Before Judge Beg the Appellant had claimed that a fabricated cybercrime case was filed against him by the police alleging that he spread online propaganda against Sheikh Mujibur Rahman, the father of the then Prime Minister. He claimed that an arrest warrant was issued for him on 22 September 2021. The appellant also claimed that on 13 November 2019 Judge Bazlur Rahman at the Sylhet District and Sessions Court sentenced him to 12 years imprisonment *in absentia*. He claimed that a punishment warrant was issued for him in respect of GR case No 144/2009. He claimed that on 1 December 2021 an Additional Metropolitan Sessions Court Judge listed case 68/2009 for hearing on 8 February 2022
6. Judge Beg found that there was no credible evidence that the Appellant was a member of BICS or Shibir, the student wing of BJEI, in Bangladesh. Although the Appellant said in his evidence that a lawyer represented him at the hearing on 13 November 2019 in Bangladesh, he did not provide a witness statement from the lawyer to confirm that a genuine court hearing took place in which he was sentenced to 12 years in prison. There was no further credible documentary evidence as to what the prosecution relied upon by way of evidence to secure the conviction and sentence. Nor was there any credible evidence about whether the Appellant appealed the decision through his lawyer. It was unclear whether the Appellant had

instructed a lawyer to represent him in the cybercrime case.

7. The Judge noted that the Country Policy and Information Note on Bangladesh: Political Parties and Affiliation (CPIN), dated September 2020, referred at 9.1.1 to corruption remaining endemic in the country. It stated that bribery was prevalent in all segments of administration and that the most corrupt was the police force. The CPIN on Actors of Protection in Bangladesh, dated November 2023, referred to political interference in the judiciary. It stated that First Information Reports were produced in hardcopy. At paragraph 8.4.1 it stated that Bangladesh has one of the lowest conviction rates in the world, meaning that most crimes go unpunished, and most criminals are not put to justice.
8. The report of a Home Office fact-finding mission in Bangladesh, dated September 2017, stated that forged and fraudulently obtained documents were easily obtainable. However, the report also stated that one source noted that forged police or court documents were not as easily obtainable because of the counter signature processes and the fact that all documents could be checked against a database. Judge Beg found that nonetheless, fraudulent documents could be obtained. In the hearing before Judge Shaerf, the Appellant's representative had admitted that some of the documents provided were fabricated or contrived. Judge Beg therefore attached little weight to the criminal cases documents in assessing the evidence as a whole.
9. The Appellant also asserted *sur place* activity in the United Kingdom since 2013. After reviewing the relevant leading cases, Judge Beg found that limited weight could be given to the letter from Bangladesh Jamaat-E- Islami dated 30 May 2022, from Mr Molla. The letter provided no details about which meetings or rallies the Appellant had participated in nor did it give an example of a meeting or a rally that the Appellant was involved with. The letter did not state whether the Appellant held an official position as an office bearer. Mr Molla did not attend the hearing to give evidence on the Appellant's behalf.
10. Similarly Judge Beg gave limited weight to the Universal Voice for Human Rights letter, from Mr Chowdory, dated 20

June 2022. The letter was very generic and gave no examples of meetings and seminars that the Appellant has attended, nor did it confirm whether he had been a speaker at these events, or how long he had known the Appellant personally. There was no mention of a programme in which they worked together. Mr Chowdory did not attend the hearing to provide further evidence.

11. Judge Beg gave limited weight to the letter from Nirapod Bangladesh Chaai, UK dated 20 June 2022 for similar reasons.
12. After examining all of the further evidence which the Appellant had put forward, including newspaper articles, photographs and social media posts, Judge Beg concluded that he was not a credible witness. As to the Appellant's claim that he had thrown a shoe at a photograph of the Bangladeshi Prime Minister, which was followed by a "human chain" protest in his home village, intended to punish him, Judge Beg found that there was no credible evidence that the human chain event in Bangladesh was genuinely organised as a protest against the Appellant rather than arranged by the Appellant's family members with individuals posing as members of the Awami League to support the Appellant's claim for asylum. In any event, Judge Beg found that, even if she accepted that the human chain event in Bangladesh was genuine, there was no credible evidence that the event was anything more than a peaceful protest.
13. Judge Beg went on to find that the Appellant's delay in claiming asylum further detracted from his credibility. Judge Beg found that the Appellant had fabricated the core element of his claim. The Appellant's documents were not reliable, as had previously been found by Judge Shaerf concerning the documents produced in the earlier appeal. The Appellant was a low level activist, not a prolific political blogger. Taking the evidence as a whole, he was not at risk from the shoe incident. The Appellant did not have a genuine commitment to opposition politics. His activities had been intended to bolster a weak asylum claim. If the Appellant had a subjective fear based on his local area, he could relocate without undue hardship. Thus appeal was dismissed.

*Permission to appeal*

14. Permission to appeal was sought on the following grounds:

Ground 1 - Inadequate and or irrational findings on the material issue of the Appellant's *sur place* political activities in the United Kingdom having come to the adverse attention of the Awami League in Bangladesh; and

Ground 2 -Failure to consider adequately or at all highly material evidence and or irrationality in rejecting the significance of such evidence.

15. Both grounds were considered arguable by Upper Tribunal Judge Norton-Taylor. He considered that it was arguable that the Judge had engaged in speculation unsupported by any evidence as regards the human protest chain in Bangladesh, and appeared to have failed to engage with relevant evidence, and had arguably reached perverse and/or unreasoned findings.

#### *Submissions*

16. Mr Jorro for the Appellant referred the Tribunal to the Appellant's extensive bundle and to his skeleton argument.

#### *Ground 1*

17. As to ground 1, Mr Jorro submitted that the Judge had engaged in impermissible and perverse speculation in [59] of the decision. Her conclusions had not been based on any evidence and were indicative of her negative attitude. The Appellant had provided multiple items of documentary evidence in support of his material claim that his *sur place* activities had come to the adverse attention of the then ruling Awami League in Bangladesh. These were ignored by the Judge.
18. The Judge's alternative finding amounted to acceptance that the Appellant's *sur place* activities had come to the adverse attention of the Awami League and so thereby effectively the Judge had found in the Appellant's favour on the issue in dispute between the parties, yet failed to consider the risk on return to the Appellant in light of this effective finding and of the background evidence referred to the Judge in the Appellant's skeleton argument. The result was that the Judge's determination was inadequately

reasoned, failed to engage adequately or at all with the key issues and or was irrational, in terms of the ultimate conclusion on risk on return, in light of the Judge's own factual finding on the material issue in dispute between the parties.

*Ground 2*

19. The Judge failed to consider, adequately or at all, or make properly reasoned findings on evidence relevant to the key issue between the parties as to whether the Appellant's political activities in the UK have "aroused the attention of the Bangladeshi authorities" - in particular the news article in the daily Sylhet Shubho Protidin dated 26 September 2021, reporting on police raids on homes of BJI-Shibir leaders and activists in Golapganj Upazila, including on the Appellant's home with the Appellant named as former Finance Secretary of Shibir No 3 Fulbari Union branch and as an United Kingdom expatriate. The Judge stated at [53] of her decision that she attached "very little weight to this letter (sic), which does not advance the Appellant's case, any further." This, Mr Jorro submitted, was nonsensical - obviously the article, if it were credible, significantly advanced the Appellant's case and it was irrational of the judge to attach very little weight to it on the asserted basis that it does not.
20. The news report in the Sylhet daily Shubho Protidin dated 4 July 2023 reporting on an attack on A's family home in Golapganj Upazila by Awami League student and youth activists and the the news report in the Sylheter Kantho dated 21 December 2022, reporting on a police raid on the Appellants family house - with the Appellant described as former Shibir leader of No 3 Fulbari Union of Golapganj Upazila - in connection with the new, 'cyber', criminal case and the 12 years' sentence on the 2009 criminal case (as covered by the Appellant's skeleton argument before the First-tier Tribunal}, with the news report noting that the Appellant was currently in the United Kingdom. The news report in The Daily Sylheter Somoy dated 5 September 2020, reported on the Cyber Tribunal case with the Appellant named as accused # 2.
21. Mr Jorro submitted that the Judge's determination was vitiated for failure to have any or adequate regard to evidence highly material to the key issue between the

parties and or for irrational rejection of the significance of that evidence. Mr Jorro asked that the decision be set aside and the appeal reheard in the First-tier Tribunal.

22. Mr Parvar for the Respondent submitted that ground 1 had a degree of force, although in the Respondent's review it had not been accepted that the newspaper article describing the human chain event was reliable, so the demonstration was disputed. The suggestion that the event had been staged was not recorded as put to the Appellant during cross examination. The Judge's alternative finding that the demonstration was a peaceful act meant that it was a gesture, not a provocation to the authorities. The risk from that had to be assessed.
23. As to ground 2, that was not accepted at all. This was no more than a dispute about the weight to be given to the evidence, which was a matter for the Judge, as was trite law. The finding reached by the Judge was that no arrests had been made, which indicated that the level of persecution had not been reached. To suggest that the Judge's finding was "nonsensical" was not sustainable. The Judge had addressed the Appellant's "new" evidence in detail and the Judge had provided ample reasons to justify her findings, which were well-covered. The Judge had shown why she considered that the Appellant had not made out his case. Again it was trite law that the Judge was not required to deal with every single item which the Appellant had put forward.
24. In reply, Mr Jorro reiterated the points he had made earlier. At [59] of the Judge's decision she had found that the human chain protest had taken place, without considering the consequences the Appellant would face in Bangladesh as a result. As to ground 2, it led back to the central question of whether the Appellant would be of interest to the Bangladeshi authorities. The Judge had brushed over the news report which said that the Appellant could not be found. That was an error of law in the treatment of the evidence.

#### *Discussion and decision*

25. The Tribunal reserved its decision, which now follows. The Tribunal is unable to accept Mr Parvar's tentative partial concession to Mr Jorro's submissions in relation to Ground



1. It must be observed that this case never resembled a meritorious appeal, as Judge Beg demonstrated in a meticulous and comprehensive decision, which mastered the voluminous materials thinly bolstering the Appellant's contrived repeat claim. The earlier version of the Appellant's belated protection claim had already been found not credible in 2013 by Designated First-tier Tribunal Judge Shaerf, from which permission to appeal was rightly refused. Instead years later the Appellant's solicitors launched a fresh claim, resting broadly on the same alleged facts.

26. Mr Jorro's submissions rested on several fallacies and a distorted reading of the decision, as well as an attempt to reopen previous adverse findings. His extravagant assertions of perversity and irrationality were not made out. Particular objection was taken to [59] of Judge Beg's decision:

"59. I find that there is no credible evidence that the human chain event in Bangladesh was genuinely organised as a protest against the appellant rather than arranged by the Appellant's family members with individuals posing as members of the Awami League to support the Appellant's claim for asylum. In any event, I find that even if I accept that the human chain event in Bangladesh was genuine, there is no credible evidence that the event was anything more than a peaceful protest."

27. The above paragraph must be placed into its proper context, not read in isolation as Mr Jorro proposed. The paragraph comes towards the end of the Judge's extensive forensic analysis of the Appellant's evidence, commencing at [25]. The issues for decision were set out clearly, with a logical structure and explanatory sub-headings. The Appellant's counsel's skeleton argument for the First-tier Tribunal hearing was addressed as required. The Judge took into account Designated Judge Shaerf's findings, which included extensive adverse credibility findings, including recording an admission that some of the Appellant's evidence had been fabricated: see [65] of Judge Beg's decision, which was not challenged.
28. It is not necessary for the Tribunal to set out [25] to [79] of the decision in full here, which would amount to quoting almost half the entire decision. It is sufficient to say that

the Judge gave full and proper reasons for giving little weight if any to the newspaper articles which the Appellant produced, or indeed to the remainder of the Appellant's evidence. Judge Beg found at [76] "Whilst the appellant has attended a number of demonstrations and political meetings in the United Kingdom, I do not find that he has a genuine commitment to opposition politics. I find that his activities took place in order to bolster a weak claim for asylum. I find that he has fabricated his evidence of being wanted by the authorities in Bangladesh and of having criminal cases registered against him by the police and convictions in the courts."

29. Such conclusions were not lightly reached. They were only arrived at after a comprehensive forensic analysis by a very experienced judge. The Judge's view that the human chain event in Bangladesh was part of the Appellant's fabricated claim was not mere speculation, but an inference open to her on the evidence. The Judge accepted that the human chain took place and asked herself how it had come about and for what purpose. The Judge then assessed its significance. If, as the Judge found, it was not reasonably likely to be a genuine demonstration, then it had to have been contrived to assist the Appellant.
30. The Judge also considered the alternative possibility that the human chain had been genuine, which is the proper approach in asylum cases where anxious scrutiny must be applied. She found that there was nothing about the protest which was reasonably likely to arouse the interest of authorities in the Appellant. That conclusion was open to her on the evidence, and disposed of the Appellant's claim. Contrary to Mr Jorro's submissions, the Judge did not accept the case the Appellant had put forward, as her decision made abundantly clear.
31. As to ground 2, that, as Mr Parvar submitted, was simply disputing the weight the Judge gave to the evidence, which was satisfactorily explained in the decision. The Tribunal accepts Mr Parvar's submissions on ground 2, as summarised at [23], above.
32. Accordingly, the Tribunal finds that there was no material error of law in the decision. The arguments raised in the Appellant's grounds are specious. Judge Beg's decision stands unchanged.

**DECISION**

The onwards appeal is dismissed. There was no material error of law and the original decision stands unchanged, including the anonymity order.

**Signed R J Manuell**                      **Dated** 22 August 2024  
**Deputy Upper Tribunal Judge Manuell**