



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

Appeal Number: PA/03222/2017

THE IMMIGRATION ACTS

Heard at Field House

On 17 October 2017

**Decision & Reasons
Promulgated**

On 23 October 2017

Before

UPPER TRIBUNAL JUDGE JORDAN

Between

**MR ZILLUR RAHMAN
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr M Bhuiyan, Legal Representative, Universal Solicitors
For the Respondent: Mr P Deller, Home Office Presenting Officer

DECISION AND REASONS

1. In July 2005 the appellant applied for a visa to enter the United Kingdom. He did so claiming that he was a musician. On 14 August 2005 the visa was issued. In 2005 he travelled to the United Kingdom and on 8 October 2005 his visa expired. It is clear that his application to enter the United Kingdom was made fraudulently because on his own evidence he was not

there in order to act as a musician and he made no attempt to regularise his position. Indeed, on 1 February 2015 he was encountered by immigration enforcement and was arrested and detained but then failed to report. He did not return to Bangladesh, the country of which he is a national.

2. On 9 September 2016 he was once again encountered by immigration enforcement. At that time he was working illegally. Once again he was arrested and detained. It was only then when his fate was obvious that he claimed asylum. That resulted in his release from detention on 31 October 2016.
3. The judge considered the claim that had been advanced by the appellant and did not accept the claim. She rejected it as being incredible. The reasons provided by her are found in paragraphs 16 to 23. I am quite satisfied that those reasons are lawful reasons and make out a compelling case that the appellant was not telling the truth. The assessment of credibility was of course carried out in the context of his appalling immigration history and the fact that he had only one last chance to remain in the United Kingdom and that was to make a claim for asylum. There was no other basis that he has ever put forward which might provide him with an entitlement to remain.
4. The judge said in paragraph 16 of the determination in relation to his claim that he joined the BNP in 1999 and that his father was Vice President in the local area and it was this that influenced him to join that despite claiming he was a member of the party but that, when he came to the United Kingdom in 2005, his knowledge of the party was extremely limited. That is something that the decision maker in the decision letter clearly set out.
5. The judge used paragraph 17 to provide a number of examples as to just how lame his claim was to be involved in the BNP. He claimed that its function was *'to serve common people'* but he did not have any or much knowledge of the party. Although he said his father used to take him to meetings, he was not active and that was something he confirmed in cross-examination. Quite reasonably the judge went on to find that, if the appellant was a committed member of the BNP, he would have a basic knowledge of the party. On the evidence, he did not have that basic knowledge.
6. The judge went on to deal with an attack at a demonstration 1997. The evidence about this was provided by the appellant himself in answers that he gave in interview. He said in answer to question 61 that the incident involved an injury he sustained as a result of an attack upon him by the police and *'my skull was fractured'*. There is no ambiguity about that. A fracture means there was a break. Subsequently when it was apparent that this injury could not be supported, he sought to say that this was a cut but this was not what he had said in interview and the judge rightly said *'I find that if his skull was fractured, that is a very serious injury and*

would warrant hospital admission', and all that occurred, according to him, was that a bandage was put around his head whilst he was in detention and that after a few days the fracture was '*cured*'. The judge did not accept this piece of evidence. There was not any corroborative evidence that the appellant suffered a skull fracture. The judge did not accept that account, as was properly open to her.

7. In paragraph 18 the judge refers to what the appellant claimed was an attack upon his father in July 2014 by a group of people wielding a machete. In the course of the interview he made once again an unequivocal assertion as to what happened. In answer to question 39 he said the Awami League attacked his father and '*chopped off his leg*'. There again, that is an unequivocal assertion of what occurred but the discharge certificate which was later produced shows that the appellant's father was apparently in hospital for a week in July 2014 with a '*sharp cut in his left leg*'. It is not a detailed medical report, as the judge pointed out, and it does not state that the patient's leg was amputated, as the appellant claimed in his statement, but clearly this was at variance with what he had said in interview. So the judge reasonably concluded there was no credible evidence that the appellant's father was attacked in the way that he had claimed.
8. There was then reference to a newspaper report dated 16 July 2014 and a reference to the appellant's father being attacked in a '*terrorist attack*'. However, the situation described in the article was significantly different from the evidence that the appellant gave. His evidence was that there was no mention of weapons being fired or pedestrians taking his father to hospital and so, unsurprisingly, the judge took the view that this did not materially support his claim but rather undermined it.
9. The judge also considered the provenance of the document and did not accept that this documentation, which the appellant had said was not available to him until 2016, was not available at an earlier stage and could have formed an earlier asylum claim.
10. In paragraph 20 the judge refers to a First Information Report dated 10 February 2014 in which he and his father are both named in relation to an incident which took place in Bangladesh on 10 February 2014. That incident involving the appellant is, and it is accepted, a complete fabrication because the appellant was indubitably in the United Kingdom in 2014. It could not therefore conceivably be made the subject of any adverse attention on the part of the authorities in Bangladesh because it could be shown to be transparently false. The judge therefore did not accept that it was a credible document or that the document entitled '*Order Sheet*' from the Judicial Magistrates' Court or the warrant of arrest were reliable documents to indicate that the appellant was at risk.
11. The judge also looked at the letter from the Bangladesh National Party dated 1 March 2017, years after his departure from Bangladesh, which provided an inconsistent account of his leaving Bangladesh as a result of

'nasty circumstances by suffering the force and bogus cases'. There were no cases lodged against him in 2005 and the document therefore is palpably incorrect in its content.

12. The judge goes on to find that the appellant had used deception in entering the United Kingdom and in saying that he was part of a group of musicians. He admitted that he only attended one programme with the group and he joined the group as his way of getting into the United Kingdom by deception.
13. Those reasons are more than adequate to establish that the judge was fully entitled to accept that the appellant was not telling the truth. The grounds of appeal make a host of allegations that the judge got it wrong but in going through the relevant paragraphs of the determination, as I have done with Mr Bhuiyan in the course of the hearing, he accepted that the contents of these paragraphs were factually accurate and they are supported by the answers that the appellant himself provided in interview, albeit significantly different from the statement the appellant subsequently made.
14. In these circumstances I do not find that any of the allegations of unlawfulness set out in the grounds of appeal are made out nor am I supported by the grant of permission by the judge who found that the matter should be looked at again. I have been able to look at the case again and I am quite satisfied that the decision made by the First-tier Tribunal Judge was properly open to her.

DECISION

The First-tier Tribunal Judge made no error on a point of law and her determination of the appeal shall stand.

ANDREW JORDAN
JUDGE OF THE UPPER TRIBUNAL