



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

Appeal Numbers: PA/12265/2018
PA/12264/2018

THE IMMIGRATION ACTS

Heard at: Field House

**Decision and Reasons
Promulgated**

On: 10 October 2019

On: 15 October 2019

Before

UPPER TRIBUNAL JUDGE KEBEDE

Between

**S A & S S
(ANONYMITY DIRECTION MADE)**

Appellants

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Mr M Symes, instructed by Lawmatic Solicitors

For the Respondent: Mr S Walker, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellants appeal, with permission, against the decision of the First-tier Tribunal dismissing their appeals against the respondent's decision to refuse their protection and human rights claims.

2. The appellants are citizens of Bangladesh and are partners, born on 27 January 1993 and 27 January 1992 respectively. They both independently arrived in the UK in February 2014 with entry clearance as Tier 4 student

migrants and both had their leave curtailed as a result of problems with their sponsoring colleges. They met in 2015 and started living together from December 2015. They applied, on 23 March 2017, for leave to remain outside the immigration rules. The first appellant claimed asylum on 23 March 2018 and his claim was refused on 5 October 2018. The second appellant claimed asylum on 6 March 2018 and her claim was refused on 8 October 2018.

3. Both appellants made their claim on the basis that they were at risk on return to Bangladesh as a result of their conversion, in April 2017, to the Ahmadi faith. They also claimed to fear their families as a result of their relationship which was not approved since the second appellant was from a lower caste than the first appellant. They both claimed to have been threatened by their respective families because of their conversion to the Ahmadi faith. The respondent, in refusing the claims, did not accept the appellants' accounts of their conversion and threats from their families and considered that the appellants would in any event have a sufficiency protection available to them from the Bangladesh authorities and that they could relocate to another part of Bangladesh where there were Ahmadis.

4. The appellants' appeals against the respondent's decisions were heard by First-tier Tribunal Judge Housego. The judge heard evidence from both appellants, including evidence that the second appellant had been pressurised by their parents into having an abortion in order for them to recognise her relationship with the first appellant and that their parents had then reneged on their promise and demanded that both appellants marry someone of their family's choosing. The appellants had been threatened by their families and would be ostracised if returned to Bangladesh. The second appellant had since had a baby with the first appellant, who was 5 months old.

5. Judge Housego accepted the appellants' account of their conversion and the abortion but did not find that they would be at risk of harm from their families on return to Bangladesh. He considered that if there was any risk from their families on account of their relationship, there would be a sufficiency of protection available from the Bangladesh authorities. Alternatively the appellants could relocate to another part of Bangladesh. The judge did not accept that the objective evidence showed that the appellants would be at risk on account of their relationship nor on account of their Ahmadi faith. The judge considered that the respondent's decision was not disproportionate and did not breach their Article 8 human rights. The Secretary of State's duty under section 55 of the Borders Citizenship and Immigration Act 2009 would not be breached as their child would return with them. The judge accordingly dismissed the appeal on all grounds.

6. The appellants sought permission to appeal Judge Housego's decision on six grounds, the first four of which challenged the judge's assessment of the background country evidence, the fifth of which challenged the judge's findings on internal relocation and the sixth of which challenged the judge's assessment of insurmountable obstacles and the welfare of the child.

7. Permission to appeal was granted by First tier Tribunal Hollingworth in relation to the judge's assessment of the country information.

Appeal hearing

8. Mr Symes, in his submissions, referred to the background information and country reports in the appellants' appeal bundle, in particular the EASO Country of Origin Information Report on Bangladesh for December 2017 at page 77 dealing with the Ahmadis in Bangladesh and the Home Office Country Policy and Information Note (CPIN) entitled "Bangladesh: Religious minorities and atheists" for October 2018 at page 207 likewise dealing with the Ahmadis. He referred to the reports of attacks on the Ahmadi community in Bangladesh and submitted that the judge's assessment of that country evidence was lacking. There was no consideration of HJ (Iran) v Secretary of State for the Home Department (Rev 1) [2010] UKSC 31 and the facts that attacks against Ahmadis were limited because they kept a low profile. With regard to the question of internal relocation, the background information provided evidence of a broad geographical risk and the judge ought to have considered the implication of this on the best interests of the appellants' baby. As regards Article 8, the judge did not consider the questions of ostracism and lack of parental support when assessing the appellants' ability to integrate into Bangladesh.

9. Mr Walker accepted that the judge had erred in his assessment of the country information, to the extent that he had not considered the escalation in societal discrimination against the Ahmadis. Although he initially submitted that that was a material error, having considered the background country information further he submitted that the error was not material since the background information did not show that the incidents experienced by the Ahmadi communities in Bangladesh amounted to persecution.

10. Mr Symes reiterated his submissions in response, referring to the appellants as being a socially isolated Ahmadi family with no experience of navigating their way through the problems for Ahmadis in Bangladesh.

Consideration and findings.

11. Whilst the judge's findings on the objective country evidence were not particularly lengthy and, as Mr Walker accepted, could have been fleshed out more, I do not consider that to be a material error requiring the decision to be set aside. The judge considered the relevant country reports, focussing on the two main reports to which Mr Symes also referred in his submissions. He clearly had full regard to the fact that there was a young baby involved when considering internal relocation at [62] and took account of the baby's best interests in his assessment of Article 8.

12. Section 12.3 of the EASO Report deals with the situation for Ahmadis in Bangladesh and refers to incidents of attacks against the Ahmadi community, as Mr Symes submitted. Likewise, sections 7.3.3 and 7.3.5 at pages 208 and

209 of the CPIN Report refer to attacks on Ahmadi mosques and the Ahmadi community, reflecting the incidents referred to in the EASO Report.

13. However, Mr Walker made various relevant references within the country information, in particular the following in the CPIN report:

“2.4.6 Some Government officials have openly declared Ahmadis as non-Muslims although the Government maintains it does not endorse these views. A ban on Ahmadi publications was lifted by the ruling Awami League and there are no legal restrictions preventing Ahmadis from practising their faith.

2.4.8 There are no laws prohibiting religious conversion, yet it might be seen as apostasy. Interfaith marriages can take place under the Special Marriage Act although, under the Act, couples must declare their disbelief in any traditional religion (see Religious conversions and apostasy, Interfaith marriages and Personal status laws).

2.4.9 In general, the level of state discrimination faced by religious minorities is low and is not sufficiently serious by its nature and repetition to amount to a real risk of persecution and/or serious harm.

2.4.10 However, people accused of blasphemy or religious defamation (for example, converts from Islam, atheists or secularists) may face legal sanction, including imprisonment.

12.1.1 There are no laws prohibiting religious conversion in Bangladesh. However, leaving Islam is seen as shameful or apostasy. Apostasy may also be considered blasphemous by Islamic extremists”

14. As Mr Walker submitted, there are no legal restrictions preventing Ahmadis from practising their faith in Bangladesh, as there are in Pakistan. The evidence shows a level of discrimination against Ahmadis and some incidents of attacks over recent years, but, as Judge Housego properly found at [60], [67] and [68], there is nothing in the objective evidence to suggest that there is a risk to Ahmadis of treatment amounting to persecution. Although the judge could perhaps have provided a more detailed account of the Ahmadis’ experiences in Bangladesh from the country reports, there was nothing in those reports to suggest that the conclusions he reached were not fully and properly open to him.

15. Having considered the country information, the judge gave full and proper consideration to the appellants’ circumstances at [62] when considering whether they could reasonably be expected to relocate to another part of Bangladesh, living independently from their respective families. He provided cogent reasons for concluding that an internal relocation option was available to them and was entitled to conclude as he did. Likewise the judge gave proper consideration to all relevant factors, including the best interests of the child, when considering whether there were very significant obstacles to integration within the immigration rules, or compelling circumstances outside the immigration rules, for the purposes of Article 8. The decision he reached in that regard was also one which was properly open to him on the evidence.

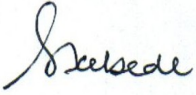
16. For all of these reasons I find no error of law in the judge's decision requiring it to be set aside. I uphold the judge's decision.

DECISION

17. The appellants' appeals are accordingly dismissed. The making of the decision of the First-tier Tribunal did not involve an error on a point of law requiring the decision to be set aside. The decision to dismiss the appellants' appeals therefore stands.

Anonymity

The First-tier Tribunal made an order for anonymity. I maintain that order pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008.

Signed 
Upper Tribunal Judge Kebede
2019

Dated: 10 October