



OPERATIONAL GUIDANCE NOTE

BANGLADESH

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1. Introduction

- 1.1** This document provides UK Border Agency case owners with guidance on the nature and handling of the most common types of claims received from nationals/residents of Bangladesh, including whether claims are or are not likely to justify the granting of asylum, Humanitarian Protection or Discretionary Leave. Case owners must refer to the relevant Asylum Instructions for further details of the policy on these areas.
- 1.2** Case owners must not base decisions on the country of origin information in this guidance; it is included to provide context only and does not purport to be comprehensive. The conclusions in this guidance are based on the totality of the available evidence, not just the brief extracts contained herein, and case owners must likewise take into account all available evidence. It is therefore essential that this guidance is read in conjunction with the relevant COI Service country of origin information and any other relevant information.

COI Service information is published on Horizon and on the internet at:

<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi/>

- 1.3** Claims should be considered on an individual basis, but taking full account of the guidance contained in this document. Where a claim for asylum or Humanitarian Protection is being considered, case owners must consider any elements of Article 8 of the ECHR in line with the provisions of Appendix FM (Family Life) and

paragraphs 276 ADE to 276DH (Private Life) of the Immigration Rules. Where a person is being considered for deportation, case owners must consider any elements of Article 8 of the ECHR in line with the provisions of Part 13 of the Immigration Rules. Case owners must also consider if the applicant qualifies for Discretionary Leave in accordance with the published policy.

- 1.4** If, following consideration, a claim is to be refused, case owners should consider whether it can be certified as clearly unfounded under the case by case certification power in section 94(2) of the Nationality Immigration and Asylum Act 2002. A claim will be clearly unfounded if it is so clearly without substance that it is bound to fail.

2 Country Assessment

- 2.1** Case owners should refer the relevant COI Service country of origin information material. An overview of the human rights situation in certain countries can also be found in the FCO Annual Report on Human Rights which examines developments in countries where human rights issues are of greatest concern:

<http://fcohdreport.com/wp-content/uploads/2011/02/Cm-8339.pdf>

2.2 Actors of Protection

- 2.2.1** Case owners must refer to section 7 of the Asylum Instruction - [Considering the asylum claim and assessing credibility](#). To qualify for asylum, an individual must have a fear of persecution for a Convention reason and be able to demonstrate that their fear of persecution is well founded and that they are unable, or unwilling because of their fear, to seek protection in their country of origin or habitual residence. Case owners must take into account whether or not the applicant has sought the protection of the authorities or the organisation controlling all or a substantial part of the State, any outcome of doing so or the reason for not doing so. Effective protection is generally provided when the authorities (or other organisation controlling all or a substantial part of the State) take reasonable steps to prevent the persecution or suffering of serious harm by for example operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and the applicant has access to such protection.
- 2.2.2** Police are organised nationally under the Ministry of Home Affairs (MOHA) and have a mandate to maintain internal security and law and order. The army is responsible for external security but also has some domestic security responsibilities, such as in the Chittagong Hills Tracts. Police generally were ineffective and reluctant to investigate persons affiliated with the ruling party. Impunity was widespread amongst the security forces and continued to be a serious problem in several areas. Most members of the security forces acted with impunity, in particular, the Rapid Action Battalion (RAB). The government did not take comprehensive measures to investigate cases of security force killings. Widespread official corruption and related impunity continued. Punishment of officials who committed abuses was predominantly limited to officials perceived to be opponents of the Awami League (AL)-led government. Although mechanisms existed to investigate abuses by security forces, in practice these were not implemented. The government took some steps to improve police professionalism, discipline, training, responsiveness and reduce corruption. For

instance, the RAB sought technical assistance towards the creation of an Internal Affairs Unit.¹

- 2.2.3** Plaintiffs rarely accused police in criminal cases due to drawn out trial procedures and fears of retribution. Reluctance to bring charges against police continued to perpetuate a climate of impunity.²
- 2.2.4** The Government took some steps to address widespread police corruption. The Inspector General of Police continued to implement a new strategy, partially subsidized by international donors, for training police, addressing corruption and creating a more responsive police force. No assessment of its impact on corruption within the police force was available in 2011.³
- 2.2.5** Under The Bangladesh Ministry of Home Affairs: Police Reform Programme (PRP), a programme designed to assist the Bangladesh Police to improve performance and professionalism, to ensure equitable access to justice and to be more responsive to the needs of vulnerable people, a draft ordinance was prepared to replace the Police Act of 1861. The aim was to redefine the roles and responsibilities of police, recommend pay increases, improve allowances for the police workforce and offer specialised training of officers. It was reported on January 2012 that the government had not yet selected the draft ordinance for ratification by Parliament.⁴ The United Nations Development Programme in their mid-term review report of August 2012 stated that Bangladesh had made some key steps forward in the first part of Phase 2 of the PRP. Although the project was generally on track with a number of key achievements there were several areas where progress was slow mostly due to external factors. The report states that if these factors could be addressed the project was generally on target to achieve most of its planned outcomes, particularly if renewal of the legislative and administrative framework was undertaken and the necessary political will to drive reform was in place.⁵
- 2.2.6** The constitution prohibits torture and cruel, inhuman or degrading punishment but security forces, including the RAB, and police frequently employed torture and severe physical and psychological abuse during arrests and interrogations. Abuse consisted of threats, beatings and the use of electric shock. According to non-governmental organisations (NGOs), security forces tortured at least 46 persons in 2011. The Government rarely charged, convicted or punished those responsible and a climate of impunity allowed such abuses by the RAB and police to continue.⁶
- 2.2.7** Security forces committed extrajudicial killings and were responsible for custodial deaths, disappearances and arbitrary arrest and detention in 2011. Police,

¹ US State Department Bangladesh Country Report on Human Rights Practices 2011 Published 24 May 2012 Section 1 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186459>

² US State Department Bangladesh Country Report on Human Rights Practices 2011 Published 24 May 2012 Section 1 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186459>

³ US State Department Bangladesh Country Report on Human Rights Practices 2011 Published 24 May 2012 Section 4 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186459>

⁴ The Daily Star Police Reforms Must Involve the People January 2012 <http://www.thedailystar.net/newDesign/news-details.php?nid=217653>

⁵ United Nations Development Programme – Mid Term Review Report August 2012 – Bangladesh Police Reform Programme <http://erc.undp.org/evaluationadmin/downloaddocument.html?docid=6336>

⁶ US State Department Bangladesh Country Report on Human Rights Practices 2011 Published 24 May 2012 Section 1 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186459>

Border Guard Bangladesh (BGB) forces (the former Bangladesh Rifles) and the RAB at times used unnecessary lethal force.⁷

- 2.2.8** The government did not release statistics for total killings by all security workforce. The Government did not take comprehensive measures to investigate cases. According to the media and local human rights organisations, no case resulted in criminal punishment and in the few instances in which the government brought charges, those found guilty generally received administrative punishment. Since 2004, when the Minister for Law, Justice and Parliamentary Affairs stated that crossfire deaths under the custody of the RAB or the police could not be considered custodial deaths, the Government has not disclosed any prosecution of a RAB officer for a killing.⁸
- 2.2.9** Disappearances and kidnappings, allegedly by the security services increased during 2011, but precise figures were unavailable. Some of the kidnappings were politically motivated, although many were often for money or as a result of localised rivalries. According to Odhikar, a Bangladeshi human rights organisation based in Dhaka, there were 30 disappearances with alleged ties to security workers. According to the RAB, the organisation was accused of disappearances that were the responsibility of private citizens impersonating security workers.⁹
- 2.2.10** The National Human Rights Commission (NHRC), re-established in 2010 under a 2009 law, was empowered to investigate and rule on complaints against the armed forces and security services and could request reports from the Government at its own discretion. In 2011, the NHRC undertook training and capacity-building programs with support from international donors and investigated a number of complaints.¹⁰
- 2.2.11** The law provides for an independent Judiciary, but in practice a longstanding temporary provision of the Constitution placed the Executive in charge of the Lower Courts, judicial appointments and compensation for Judicial officials. Legislation from 2007 officially separating the Judiciary from the Executive remained in effect throughout 2011. Despite ostensible separation of the Judiciary from the Executive, the political authority made judicial appointments to the Higher Courts and allegedly influenced many judicial decisions on politically sensitive cases, including decisions regarding bail and detention for political opponents of the Government. On 20 October 2011, 10 additional Judges appointed by the AL-led Government were sworn into the High Court Division of the Supreme Court. The Supreme Court Bar Association declined to participate in the customary felicitation of the Judges.¹¹ According to Freedom in the House 2012, a series of apparently biased decisions in corruption cases raised concerns about political influence over the Judiciary. Harassment of witnesses and the

⁷ US State Department Bangladesh Country Report on Human Rights Practices 2011 Published 24 May 2012 Section 1 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186459>

⁸ US State Department Bangladesh Country Report on Human Rights Practices 2011 Published 24 May 2012 Section 1 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186459>

⁹ US State Department Bangladesh Country Report on Human Rights Practices 2011 Published 24 May 2012 Section 1 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186459>

¹⁰ UNHCR Ref World Freedom in the World 2012 Bangladesh <http://www.unhcr.org/refworld/country,,,BGD,,5003e17c8,0.html>

¹¹ US State Department Bangladesh Country Report on Human Rights Practices 2011 Published 24 May 2012 Section 1 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186459>

dismissal of cases following political pressure was a growing concern in Bangladesh.¹²

2.3 Internal Relocation

- 2.3.1** Case owners must refer to the Asylum Instruction on [Internal Relocation](#) and in the case of a female applicant, the AI on [Gender Issues in the Asylum Claim](#), for guidance on the circumstances in which internal relocation would be a 'reasonable' option, so as to apply the test set out in paragraph 339O of the Immigration Rules. It is important to note that internal relocation can be relevant in both cases of state and non-state agents of persecution, but in the main it is likely to be most relevant in the context of acts of persecution by localised non-state agents. If there is a part of the country of return where the person would not have a well founded fear of being persecuted and the person can reasonably be expected to stay there, then they will not be eligible for a grant of asylum. Similarly, if there is a part of the country of return where the person would not face a real risk of suffering serious harm and they can reasonably be expected to stay there, then they will not be eligible for humanitarian protection. Both the general circumstances prevailing in that part of the country and the personal circumstances of the person concerned including any gender issues should be taken into account. Case owners must refer to the Gender Issues in the asylum claim where this is applicable. The fact that there may be technical obstacles to return, such as re-documentation problems, does not prevent internal relocation from being applied.
- 2.3.2** Very careful consideration must be given to whether internal relocation would be an effective way to avoid a real risk of ill-treatment/persecution at the hands of, tolerated by, or with the connivance of, state agents. If an applicant who faces a real risk of ill-treatment/persecution in their home area would be able to relocate to a part of the country where they would not be at real risk, whether from state or non-state actors, and it would not be unreasonable to expect them to do so, then asylum or humanitarian protection should be refused.
- 2.3.3** The law provides for freedom of movement within the country, foreign travel, emigration and repatriation, and the Government generally respected these rights in practice, except in the cases of some opposition political figures. With the 1971 war crimes trials underway, the Government implemented an international travel ban on war crimes suspects, most of whom were opposition party leaders. These suspects were not stripped of their passports, but immigration officials at the airport in Dhaka occasionally prevented politicians belonging to the opposition BNP and Jamaat-e-Islami from leaving the country. For example, in June 2011 senior BNP leader Giasuddin Quader Chowdhury was taken from a plane despite a court order allowing him to travel. Chowdhury's appeals to the Government to allow him to travel for medical purposes were unresolved at end of 2011. Some politicians successfully challenged the unannounced restrictions on their travel abroad and managed to depart and return to the country. The country's passports were invalid for travel to Israel.¹³

¹² UNHCR Ref World Freedom in the World 2012 Bangladesh
<http://www.unhcr.org/refworld/country,...BGD,,5003e17c8,0.html>

¹³ US State Department Bangladesh Country Report on Human Rights Practices 2011 Published 24 May 2012 Section 2 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186459>

- 2.3.4** It may be practical for applicants who may have a well-founded fear of persecution in one area to relocate to other parts of Bangladesh where they would not have a well-founded fear and, taking into account their personal circumstances, it would not be unduly harsh to expect them to do so.

2.4 Country Guidance Caselaw

[Supreme Court. RT \(Zimbabwe\) & others v Secretary of State for the Home Department \[2012\] UKSC 38 \(25 July 2012\)](#). The Supreme Court ruled that the rationale of the decision in [HJ \(Iran\)](#) applies to cases concerning imputed political opinion. Under both international and European human rights law, the right to freedom of thought, opinion and expression protects non-believers as well as believers and extends to the freedom not to hold and not to express opinions. Refugee law does not require a person to express false support for an oppressive regime, any more than it requires an agnostic to pretend to be a religious believer in order to avoid persecution. Consequently an individual cannot be expected to modify their political beliefs, deny their opinion (or lack thereof) or feign support for a regime in order to avoid persecution.

[SA \(Divorced woman- illegitimate child\) Bangladesh CG \[2011\] UKUT 00254](#)
In this country guidance case the Upper tribunal found that:

- (i) There is a high level of domestic violence in Bangladesh. Despite the efforts of the government to improve the situation, due to the disinclination of the police to act upon complaints, women subjected to domestic violence may not be able to obtain an effective measure of state protection by reason of the fact that they are women and may be able to show a risk of serious harm for a Refugee Convention reason. Each case, however, must be determined on its own facts.
- (ii) Under Muslim law, as applicable in Bangladesh, the mother, or in her absence her own family members, has the right to custody of an illegitimate child.
- (iii) In custody and contact disputes the decisions of the superior courts in Bangladesh indicate a fairly consistent trend to invoke the principle of the welfare of the child as an overriding factor, permitting departure from the applicable personal law but a mother may be disqualified from custody or contact by established allegations of immorality.
- (iv) The mother of an illegitimate child may face social prejudice and discrimination if her circumstances and the fact of her having had an illegitimate child become known but she is not likely to be at a real risk of serious harm in urban centres by reason of that fact alone.
- (v) The divorced mother of an illegitimate child without family support on return to Bangladesh would be likely to have to endure a significant degree of hardship but she may well be able to obtain employment in the garment trade and obtain some sort of accommodation, albeit of a low standard. Some degree of rudimentary state aid would be available to her and she would be able to enrol her child in a state school. If in need of urgent assistance she would be able to seek temporary accommodation in a woman's shelter. The conditions which she would have to endure in re-establishing herself in Bangladesh would not as a general matter amount to persecution or a breach of her rights under Article 3 of the ECHR. Each case, however, must be decided its own facts having

regard to the particular circumstances and disabilities, if any, of the woman and the child concerned. Of course, if such a woman were fleeing persecution in her own home area the test for internal relocation would be that of undue harshness and not a breach of her Article 3 rights.

[SH \(prison conditions\) Bangladesh CG \[2008\] UKAIT 00076](#). The Tribunal concluded that prison conditions in Bangladesh, at least for ordinary prisoners; do not violate Article 3 of the ECHR. The Tribunal stated that this does not mean an individual who faces prison on return to Bangladesh can never succeed in showing a violation of Article 3 in the particular circumstances of his case. The individual facts of each case should be considered to determine whether detention will cause a particular individual in his particular circumstances to suffer treatment contrary to Article 3. In view of the significant changes in Bangladesh politics in recent years, the Tribunal removed **[AA \(Bihari-Camps\) Bangladesh CG \[2002\] UKIAT 01995](#)**, **[H \(Fair Trial\) Bangladesh CG \[2002\] UKIAT 05410](#)** and **[GA \(Risk-Bihari\) Bangladesh CG \[2002\] UKIAT 05810](#)** from the list of country guidance cases.

[RA and Others \(Particular Social Group – Women\) Bangladesh \[2005\] UKIAT 00070](#). The Tribunal found that whilst there is discrimination against women in Bangladesh it does not reach Shah and Islam levels [**[Shah and Islam HL \[1999\] ImmAR283 25 March 1999](#)**]; and that the objective evidence does not establish that women in Bangladesh are a particular social group.

3 Main Categories of Claims

3.1 This Section sets out the main types of asylum claim, humanitarian protection claim and discretionary leave claim on human rights grounds (whether explicit or implied) made by those entitled to reside in Bangladesh. Where appropriate it provides guidance on whether or not an individual making a claim is likely to face a real risk of persecution, unlawful killing or torture or inhuman or degrading treatment/ punishment. It also provides guidance on whether or not sufficiency of protection is available in cases where the threat comes from a non-state actor; and whether or not internal relocation is an option. The law and policies on persecution, Humanitarian Protection, sufficiency of protection and internal relocation are set out in the relevant Asylum Instructions, but how these affect particular categories of claim are set out in the instructions below. All Asylum Instructions can be accessed via the Horizon intranet site. The instructions are also published externally on the Home Office internet site at:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumpolicyinstructions/>

3.2 Each claim should be assessed to determine whether there are reasonable grounds for believing that the applicant would, if returned, face persecution for a Convention reason - i.e. due to their race, religion, nationality, membership of a particular social group or political opinion. The approach set out in Karanakaran should be followed when deciding how much weight to be given to the material provided in support of the claim (see the Asylum Instruction '**[Considering the asylum claim and assessing credibility](#)**').

3.3 For any asylum cases which involve children either as dependents or as the main applicants, case owners must have due regard to Section 55 of the Borders, Citizenship and Immigration Act 2009. The UK Border Agency instruction '**[Every](#)**

[Child Matters: Change for Children](#) sets out the key principles to take into account in all Agency activities.

- 3.4** If the applicant does not qualify for asylum, consideration should be given as to whether a grant of Humanitarian Protection is appropriate. If the applicant does not qualify for asylum, or Humanitarian Protection, consideration must be given to any claim as to whether he/she qualifies for leave to remain on the basis of their family or private life. Case owners must also consider if the applicant qualifies for Discretionary Leave, either on the basis of the particular categories detailed in Section 4 or on their individual circumstances.
- 3.4.1** Consideration of Articles 15(a) and (b) of the Directive/Articles 2 and 3 ECHR. An assessment of protection needs under Article 15(c) of the Directive should only be required if an applicant does not qualify for refugee protection, and is ineligible for subsidiary protection under Articles 15(a) and (b) of the Directive (which broadly reflect Articles 2 and 3 of the ECHR). Case owners are reminded that an applicant who fears a return to a situation of generalised violence may be entitled to a grant of asylum where a connection is made to a Refugee Convention reason or to a grant of Humanitarian Protection because the Article 3 threshold has been met.
- 3.4.2** Other severe humanitarian conditions and general levels of violence meeting the Article 3 threshold. There may come a point at which the general conditions in the country – for example, absence of water, food or basic shelter – are unacceptable to the point that return in itself could, in extreme cases, constitute inhuman and degrading treatment. Decision makers need to consider how conditions in the country and locality of return, as evidenced in the available country of origin information, would impact upon the individual if they were returned. Factors to be taken into account would include age, gender, health, effects on children, other family circumstances, and available support structures. It should be noted that if the State is withholding these resources it could constitute persecution for a Convention reason and a breach of Article 3 of the ECHR.
- 3.4.3** As a result of the [Sufi & Elmi v UK](#) judgment in the European Court of Human Rights (ECtHR), where a humanitarian crisis is predominantly due to the direct and indirect actions of the parties to a conflict, regard should be had to an applicant's ability to provide for his or her most basic needs, such as food, hygiene and shelter and his or her vulnerability to ill-treatment. Applicants meeting either of these tests would qualify for Humanitarian Protection.

3.5 Credibility

- 3.5.1** This guidance is not designed to cover issues of credibility. Case owners will need to consider credibility issues based on all the information available to them. For guidance on credibility see 'Section 4 – Making the Decision in the Asylum Instruction [Considering the asylum claim and assessing credibility](#)'. Case owners must also ensure that each asylum application has been checked against previous UK visa applications. Where an asylum application has been biometrically matched to a previous visa application, details should already be in the UK Border Agency file. In all other cases, the case owner should satisfy themselves through CRS database checks that there is no match to a non-biometric visa. Asylum applications matches to visas should be investigated prior

to the asylum interview, including obtaining the Visa Application Form (VAF) from the visa post that processed the application.

3.6 Members of Political Parties

3.6.1 Some applicants will apply for asylum or make a human rights claim based on ill-treatment amounting to persecution at the hands of the Bangladesh authorities due to their involvement with political organisations. Applicants may fall into one of three categories:

- high profile political activists, i.e. those who are known beyond their local area perhaps because of police interest or media coverage, may claim a fear of persecution or ill-treatment on return to Bangladesh as a consequence of their political activity.
- those who have participated in low level political activity at local level, and who express fear of ill-treatment at the hands of local police (or rogue state agents) politically aligned in opposition to them.
- fear of ill-treatment by non state agents for example members of opposing political parties or opposing factions within their own party.

3.6.2 Treatment. Bangladesh is a parliamentary democracy of over 160 million citizens. Zillur Rahman became President on 12 February 2009 and Sheikh Hasina Wazed of the Awami League party (AL) became Prime Minister on the 6 January 2009.¹⁴

3.6.3 The role of the President, who is elected by the Jatiya Sangsad (Parliament) for a five-year term, is essentially that of a titular head of state. Executive power is held by the Prime Minister, who heads the Council of Ministers. The President appoints the Prime Minister and, on the latter's recommendation, other ministers. The Jatiya Sangsad comprises of 345 members, 300 of whom are elected by universal suffrage. An additional 45 female members are appointed by the elective members on the basis of proportional representation. The Jatiya Sangsad serves a five-year term, subject to dissolution.¹⁵

3.6.4 According to the US Department of State Human Rights Practices 2011, politically motivated violence decreased in 2011, however, the overall level of such violence has increased since the AL Government assumed office in 2009, with opposition party supporters claiming attacks and harassment by ruling party supporters. Motivations for the violence often were ambiguous. According to Odhikar, 135 deaths in 2011 were suspected of being politically motivated, compared with 220 in 2010. 22 persons were killed and 3,770 persons injured in AL internal conflict and 3 persons were killed and 1,234 persons injured in

¹⁴ Central Intelligence Agency CIA World Fact Book : Bangladesh, Updated August 2012 <https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html> International Crisis Group Bangladesh : Back to the Future – 13 June 2012 <http://www.crisisgroup.org/~media/Files/asia/south-asia/bangladesh/226-bangladesh-back-to-the-future.pdf>

¹⁵ Europa World Plus (Online Version of the Europa World Year Book, By Subscription) Bangladesh – Recent History <http://www.europaworld.com/pub/> COIS Report Bangladesh Country Report 30 September 2012 Para. 6.02 <http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

internal Bangladesh Nationalist Party (BNP) violence. Incidents of non-lethal politically motivated violence also occurred.¹⁶

- 3.6.5** According to Freedom in the World 2012 during 2011 the primary opposition and Islamist parties stepped up street protests and political violence. The government failed to address the problem of extrajudicial executions and other human rights abuses, and was accused of combating corruption in a politicized manner. Meanwhile, critical NGOs faced increased pressure, and the judiciary showed signs of mounting political influence.¹⁷
- 3.6.6** The main opposition parties in Bangladesh were the BNP, Islami Oikya Jote (IOJ), Jamaat-i-Islami (JIB), Jatiya Party (Ershad), Bangladesh Jatiya Party (N-F) and Jatiya Party (Manju).¹⁸ Individual members of student wings from all major parties were responsible for numerous acts of on-campus violence. In 2010 auxiliary student wings were formally severed from the political parties, and according to media and human rights sources, many incidents of violence were related to criminal activities or personal as opposed to political disputes. Despite the formal separation, some politicians representing all major parties mobilized members of student wings for movements and demonstrations.¹⁹
- 3.6.7** The AL-led Government, with the passage of the 15th Constitutional Amendment Bill on 30 June 2012, overturned the 16-year-old requirement that general elections should be overseen by a non-partisan Caretaker Government.²⁰ The Caretaker Government system was established before the 1996 parliamentary general elections in response to the electoral system's perceived vulnerability to political manipulation. The Amendment followed a May Supreme Court ruling that declared the Caretaker Government system unconstitutional.²¹ The BNP-led opposition alliance announced on 28 November 2012, that they would blockade roads countrywide on 9 December 2012, to press for a return of the Caretaker Government to oversee the next parliamentary polls. Indeed, on 9 December 2012, violent clashes, among BNP-backed blockaders, police and AL workers, were reported from across the country, including Sirajganj, Dhaka, Narayanganj, Chittagong, Rajshahi, Khulna, Lalmonirhat and Laxmipur Districts. At least two persons were killed (one each in Sirajganj and Dhaka towns) and more than 290 people, including 40 policemen, were injured during the clashes. Over 70 bombs went off, around 50 vehicles, including five police vehicles, were set ablaze and 150 others were vandalised.²²
- 3.6.8** Under the 15th Amendment, the 2013 parliamentary general elections and all subsequent elections are to be supervised by an independent electoral commission operating under the political Government in power, which in 2013

¹⁶ US State Department Bangladesh Country Report on Human Rights Practices 2011 Published 24 May 2012 Section 1 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186459>

¹⁷ Freedom House - Freedom in the World - Bangladesh (2012) Published 12 July 2012 http://www.unhcr.org/refworld/country_COI_FREEHOU_.,BGD.,5003e17c8.0.html

¹⁸ COIS Report Bangladesh September 2012 Annex B Political Organisations <http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi/>

¹⁹ US State Department Bangladesh Country Report on Human Rights Practices 2011 Published 24 May 2012 Section 1 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186459>

²⁰ South Asia Terrorism Portal - Bangladesh Assessment 2013 - Accessed 16 January 2013 <http://www.satp.org/satporgtp/countries/bangladesh/index.htm>

²¹ US State Department Bangladesh Country Report on Human Rights Practices 2011 Published 24 May 2012 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186459>

²² South Asia Terrorism Portal - Bangladesh Assessment 2013 - Accessed 16 January 2013 <http://www.satp.org/satporgtp/countries/bangladesh/index.htm>

would still be the current AL-led government. Many independent observers criticized the change because they believed that the electoral system's vulnerabilities to political manipulation that had necessitated the creation of the Caretaker Government system had not been addressed and would resurface, leaving the electoral system vulnerable to political manipulation. This issue became a matter of enormous partisan concern and attention during 2011.²³

- 3.6.9** The 15th Amendment to the Constitution has been AL's most controversial political act, not just because it abolished the Caretaker Government, but also because it contained a wide range of other measures. Article 7A, aimed at the military, made any attempt to abrogate or suspend the Constitution an act of sedition, punishable by death. Article 7B prohibited any further amendments to much of the Constitution, including to a new clause giving Sheikh Mujibur Rahman, the country's founding president and Sheikh Hasina's father, the title of "Father of the Nation to Bangladesh", a provision the BNP termed "partisan".²⁴
- 3.6.10** The Amendment restored key elements from the original 1972 Constitution by re-introducing secularism and socialism as fundamental principles, causing violent protests led by a coalition of Islamist parties. At the same time, the Amendment lifted a restriction on religion-based politics, re-inserted the phrase "in the name of Allah, the Merciful, the Compassionate" before the preamble and designated Bengali as the country's singular ethnic identity. These moves prompted protests from non-Muslims, including the mostly Buddhist people of the Chittagong Hill Tracts.²⁵
- 3.6.11** According to the South Asia Terrorism Portal (SATP) – Bangladesh Assessment 2013, the Government had consolidated its secular commitments through 2012, reining in Islamist extremist groups and targeting the Left Wing Extremist (LWE) movement in the country..²⁶
- 3.6.12** The AL's decisions to abandon the Caretaker Government system swung public support towards the BNP. "It was a gift from Sheikh Hasina", said a BNP leader. The result was a fresh infusion of funds from party backers and the business community. Khaleda Zia, leader of the BNP, used the money to exploit anti-AL sentiment by launching four "road marches" in late 2011 and early 2012, travelling to over 50 of Bangladesh's 64 districts to rejuvenate party workers and strengthen the organisational structure.²⁷
- 3.6.13** In 2009, the AL government began a massive plan to withdraw what it considered to be politically-motivated cases filed against politicians and others under the code of criminal procedure, regular penal code and the Anti-Corruption Commission Act. A committee was set up under the leadership of Quamrul Islam, State Minister for Law, Justice, and Parliamentary Affairs, to review applications for such cases. As of March 2011, the committee had withdrawn 4,687 cases,

²³ US State Department Bangladesh Country Report on Human Rights Practices 2011 Published 24 May 2012 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186459>

²⁴ International Crisis Group Bangladesh : Back to the Future – 13 June 2012

[http://www.crisisgroup.org/~media/Files/asia/south-asia/bangladesh/226-bangladesh-back-to-the-future.pdf](http://www.crisisgroup.org/~/media/Files/asia/south-asia/bangladesh/226-bangladesh-back-to-the-future.pdf)

²⁵ International Crisis Group Bangladesh : Back to the Future – 13 June 2012

<http://www.crisisgroup.org/~media/Files/asia/south-asia/bangladesh/226-bangladesh-back-to-the-future.pdf>

²⁶ South Asia Terrorism Portal – Bangladesh Assessment 2013 – Accessed 16 January 2013

<http://www.satp.org/satporgtp/countries/bangladesh/index.htm>

²⁷ International Crisis Group Bangladesh : Back to the Future – 13 June 2012

<http://www.crisisgroup.org/~media/Files/asia/south-asia/bangladesh/226-bangladesh-back-to-the-future.pdf>

most of which involved members of the ruling party. At its first meeting the committee dropped 12 corruption cases against Prime Minister Sheikh Hasina as well as other cases filed against senior party leaders, known party supporters and their relatives. The committee has come under sharp criticism for reversing the significant inroads the caretaker government had made in targeting official corruption in favour of political considerations. For example, the committee has been reluctant to drop criminal charges filed against opposition party leaders and has refused to withdraw charges against journalists and human rights activists. This includes journalist Jahangir Alam Akash, whom the caretaker government reportedly falsely accused of protesting extrajudicial killings.²⁸

3.6.14 The constitution prohibits arbitrary arrest and detention; however, the law permits authorities to arrest and detain persons suspected of criminal activity without an order from a magistrate or a warrant.²⁹

See also: [Actors of Protection](#) **(Section 2.2 above)**
 [Internal Relocation](#) **(Section 2.3 above)**
 [Caselaw](#) **(Section 2.4 above)**

3.6.15 **Conclusion.** Case owners should assess on an individual case by case basis whether there may be a real risk that high profile activists will encounter persecution or ill-treatment by the government as a consequence of their political opinion. The exact nature of the applicants claimed political activity and level of political involvement should be thoroughly investigated.

3.6.16 The Supreme Court held in [RT \(Zimbabwe\)](#) that the rationale of the decision in [HJ \(Iran\)](#) extends to the holding of political opinions. An individual should not be expected to modify or deny their political belief, or the lack of one, in order to avoid persecution.

3.6.17 There is no evidence to suggest any systematic persecution of political opponents, indeed the evidence is that the government is actively reviewing the cases of those detained under the former government for alleged “politically motivated” reasons. Case owners should carefully examine whether those claiming asylum on this basis are in fact fearing prosecution for criminal offences (for example corruption) rather than persecution for reason of their political opinion.

3.6.18 Whilst protection from governmental sources may not be available in all cases, those in fear of ill-treatment by local police/rogue state agents or members of opposing political parties or in fear of opposing factions within their own party will generally be able to relocate internally away from the area where they are at risk of such localised violence. A grant of asylum or HP would only be appropriate in cases where an individual was able to show that he/she remained at risk because of specific factors relating to his/her particular history, and internal relocation was not an option, for example, where the individual would also be at risk in the proposed area of relocation.

²⁸ UNHCR Countries at the Crossroads 2011 – Bangladesh
<http://www.unhcr.org/refworld/country,...BGD,,4ecba653c.0.html>

²⁹ US State Department Bangladesh Country Report on Human Rights Practices 2011 Section 1 Published 24 May 2012 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186459>

3.7 Victims of domestic violence

- 3.7.1** Some female applicants seek asylum or make a human rights claim on the grounds that they are the victims of domestic violence and are unable to seek protection from the authorities. Occasionally the applicant will state that the abuser bribed the police (or otherwise exerted influence on the police) not to take action on the complaints made against them.
- 3.7.2 Treatment** According to Human Rights Watch, violence against women and girls and their discriminatory treatment under personal status laws persists. Women's groups were particularly concerned that such abuses continued even though the High Court division of the Bangladesh Supreme Court ordered government authorities to take preventive measures and prosecute perpetrators. The Bangladesh Parliament in 2011 enacted a law against domestic violence and rules were currently being framed for its implementation. The Government also introduced a national policy to advance women's rights.³⁰
- 3.7.3** In October 2010 the Parliament passed the Domestic Violence (Protection and Prevention) Bill, which criminalized domestic violence. Women's rights groups criticized the Government for its inaction on domestic violence, which was widespread, although data quantifying was difficult to obtain. A 2000 study by the UN Population Fund indicated that at least 50 percent of women had experienced domestic violence at least once in their lives. The Bangladesh National Women Lawyers' Association (BNWLA) filed 384 cases related to violence against women during 2011 and received more than 4,247 reports of violence against women. Most efforts to combat domestic violence were subsidized by NGOs with little assistance from the Government.³¹
- 3.7.4** Some of the reported violence against women was related to disputes over dowries. For example, according to the Daily Star, Ainat Ali and several of his relatives in the Thakurgaon Sadar subdistrict of Rangpur Division, brutally beat and poisoned his wife on 10 September 2011 during a dowry-related dispute. The attackers allegedly beat the victim regularly over a two-year period in an attempt to elicit a larger dowry from her family. After the victim's death, the alleged attackers attempted to pass the incident off as a suicide. The victim's family filed a murder case with local police and the case was still continuing at the end of 2011.³²
- 3.7.5** There was an increase in the number of dowry-related killings during 2011. ASK reported 502 cases of dowry-related violence, including physical torture, acid attacks and killings, compared with 395 in 2010. There were no adequate support groups for victims of domestic violence. NGOs such as the BNWLA operated facilities to provide shelter to distressed women and children. Courts sent most of them to sheltered homes but in a few cases, they were sent to prison as a transit destination for short periods.³³

³⁰ Human Rights Watch – World Report 2012: Bangladesh <http://www.hrw.org/world-report-2012/world-report-2012-bangladesh>

³¹ US State Department Bangladesh Country Report on Human Rights Practices 2011 Published 24 May 2012 Section 6 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186459>

³² US State Department Bangladesh Country Report on Human Rights Practices 2011 Published 24 May 2012 Section 6 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186459>

³³ US State Department Bangladesh Country Report on Human Rights Practices 2011 Published 24 May 2012 Section 6 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186459>

- 3.7.6** According to Odhikar, dowry is one of the major causes of domestic violence. Women were seen as a commodity where monetary transactions were involved with their marriage. Due to non-payment of dowry many women were subjected to violence by their husband or in-laws and are even killed. Dowry was often not a one-time payment. The husbands or in-laws unlimited greed made the bride and her family more vulnerable to additional financial demands and violence.³⁴ According to data from Odhikar, from 1 January 2001 to 29 February 2012, 2338 woman have already been killed, 1025 women physically abused and 172 women committed suicide because of dowry violence.³⁵
- 3.7.7** Acid attacks remained a serious problem in Bangladesh. Assailants threw acid in the faces of victims, usually women, and left them disfigured and often blind. Acid attacks often related to allegations of spousal infidelity. During 2011, according to Odhikar, 101 persons were attacked with acid. Of these victims, 57 were women, 25 were men and 19 were children. The Government made efforts to punish offenders and reduce availability of acid to the general public.³⁶
- 3.7.8** The law provides for speedier prosecutions of acid-throwing cases in special tribunals and generally does not allow bail. The Women and Child Repression Control Act seeks to control the availability of acid and reduce acid-related violence directed toward women, but lack of awareness of the law and poor enforcement limited the law's effect. According to the Acid Survivors Foundation, the special tribunals were not entirely effective and prosecutors were able to obtain a conviction in an estimated 10 to 12 percent of attacks each year. In January 2011 the Commerce Ministry moved to restrict acid sales and limiting buyers to those registered with relevant trade organisations. However, the restrictions were not universally enforced and acid attacks continued throughout 2011.³⁷
- 3.7.9** According to Freedom in the World 2012, rape, dowry-related assaults, acid throwing and other forms of violence against women occur regularly. A law requiring rape victims to file police reports and obtain medical certificates within 24 hours of the crime in order to press charges prevented most cases from reaching the Courts. Police also accepted bribes to quash rape cases and rarely enforced existing laws protecting women. While attacks have declined since the passage of the Acid Crime Prevention Act in 2002, investigations remained inadequate.³⁸

See also: **[Actors of Protection](#)** **(Section 2.2 above)**
 [Internal Relocation](#) **(Section 2.3 above)**
 [Caselaw](#) **(Section 2.4 above)**

³⁴ Odhikar – Bangladesh Human Rights Report 2011: Published 7 January 2012
http://www.odhikar.org/documents/2011/English/Human_Rights_Report_2011.pdf

³⁵ Odikar - Violence Against Women Still Exists Though 100 Years Have Passed After the Declaration of International Women's Day – 8 March 2012
http://www.odhikar.org/Womens_Day/2012/International%20Women's%20Day.pdf

³⁶ US State Department Bangladesh Country Report on Human Rights Practices 2011 Published 24 May 2012 Section 6 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186459>

³⁷ US State Department Bangladesh Country Report on Human Rights Practices 2011 Published 24 May 2012 Section 6 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186459>

³⁸ Freedom House - Freedom in the World 2012 Bangladesh
<http://www.unhcr.org/refworld/docid/5003e17c8.html>

- 3.7.10 Conclusion.** The country guidance case of [SA \(Divorced woman- illegitimate child\) Bangladesh CG \[2011\] UKUT 00254](#) found that whilst the government has made efforts to improve the situation for women, the disinclination of the police to act on reports on domestic violence means that women applicants may be unable to obtain effective state protection. Applicants may be able to escape persecution by internally relocating to another area of Bangladesh and the personal circumstances of an individual applicant should be taken into account when assessing whether it would be unduly harsh to expect them to do so.
- 3.7.11** Women applicants who can demonstrate that they have a well-founded fear of persecution as a result of domestic violence and have no recourse to state protection or internal relocation should be granted asylum as a member of a particular social group.
- 3.8 Prison Conditions**
- 3.8.1** Applicants may claim that they cannot return to Bangladesh due to the fact that there is a serious risk that they will be imprisoned on return and that prison conditions in Bangladesh are so poor as to amount to torture or inhuman treatment or punishment.
- 3.8.2** The guidance in this section is concerned solely with whether prison conditions are such that they breach Article 3 of ECHR and warrant a grant of Humanitarian Protection. If imprisonment would be for a Refugee Convention reason or in cases where for a Convention reason a prison sentence is extended above the norm, the asylum claim should be considered first before going on to consider whether prison conditions breach Article 3 if the asylum claim is refused.
- 3.8.3 Consideration.** Prison system conditions remained life threatening at times due to overcrowding, inadequate facilities and lack of proper sanitation. Human rights observers stated that these conditions contributed to custodial deaths. According to Odhikar, 105 persons died in prison and 140 persons died in the custody of police and other security forces during 2011, compared with 46 prison deaths and 109 custodial deaths in 2010.³⁹
- 3.8.4** According to the Government, the existing prison population at the end of 2011 was 69,850, which was more than 237 percent of the official prison capacity of 29,450. Approximately one-third of the entire prison population had been convicted. The rest were either awaiting trial or detained for investigation. Due to the severe accumulation of cases, individuals awaiting trial often spent more time in jail than if they had been convicted and served a maximum sentence. In most cases prisoners slept in shifts because of the overcrowding and did not have adequate bathroom facilities.⁴⁰
- 3.8.5** Conditions in prisons varied widely often within the same prison complex as some prisoners were subjected to high temperatures, poor ventilation and overcrowding while others were placed in “divisional” custody, which featured better conditions such as increased family visitation and access to household staff. Political and personal connections often influenced the conditions in which

³⁹ US State Department Bangladesh Country Report on Human Rights Practices 2011 Published 24 May 2012 Section 1 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186459>

⁴⁰ US State Department Bangladesh Country Report on Human Rights Practices 2011 Published 24 May 2012 Section 1 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186459>

a prisoner would be placed. All prisoners had the right to medical care and water access. Human rights organisations and the media stated that many prisoners did not enjoy these rights and available water was often non-potable.⁴¹

- 3.8.6** The law requires that juveniles be detained separately from adults, but in practice many juveniles were incarcerated with adults. More than 300 children in 2011 were imprisoned and in some cases with their mothers, despite laws and Court decisions prohibiting the imprisonment of minors. In some places the figure was much higher, mainly because there was no proper means of recording age in the criminal justice system. The law prohibited women in “safe custody”, usually victims of rape, trafficking and domestic violence from being housed with criminals, however, in practice officials did not always provide separate facilities in these situations. According to Odhikar there were 2,402 women incarcerated in prisons.⁴²
- 3.8.7** According to Freedom in the World 2012, prison conditions were extremely poor and severe overcrowding was common. According to the New Delhi-based Asian Centre for Human Rights, hundreds of juveniles were held in prisons in contravention of the 1974 Children's Act.⁴³
- 3.8.8** Prisoners were allowed to submit uncensored complaints to authorities and the authorities occasionally investigated these complaints. In general, the government did not permit prison visits by independent human rights monitors, including the International Committee of the Red Cross. Government-appointed committees composed of prominent private citizens in each prison locality monitored prisons monthly but did not publicly release their findings. District judges occasionally visited prisons but again, rarely disclosed their findings to the public. There were few efforts to improve the prison system during 2011.⁴⁴
- 3.8.9** **Conclusion.** In the country guidance case of [SH \(prison conditions\) Bangladesh CG \[2008\] UKAIT 00076](#), the Tribunal concluded that prison conditions in Bangladesh, at least for ordinary prisoners; do not violate Article 3 of the ECHR. However the Tribunal stated that this does not mean an individual who faces prison on return to Bangladesh can never succeed in showing a violation of Article 3 in the particular circumstances of his case. The individual facts of each case should be considered to determine whether detention will cause a particular individual in his particular circumstances to suffer treatment contrary to Article 3.

4. Discretionary Leave

- 4.1** Where an application for asylum and Humanitarian Protection falls to be refused there may be compelling reasons for granting Discretionary Leave (DL) to the individual concerned. (See Asylum Instruction on [Discretionary Leave](#))

⁴¹ US State Department Bangladesh Country Report on Human Rights Practices 2011 Published 24 May 2012 Section 1 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186459>

⁴² US State Department Bangladesh Country Report on Human Rights Practices 2011 Published 24 May 2012 Section 1 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186459>

⁴³ Freedom House - Freedom in the World 2012 Bangladesh <http://www.unhcr.org/refworld/docid/5003e17c8.html>

⁴⁴ US State Department Bangladesh Country Report on Human Rights Practices 2011 Published 24 May 2012 Section 1 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186459>

4.2 With particular reference to Bangladesh the types of claim which may raise the issue of whether or not it will be appropriate to grant DL are likely to fall within the following categories. Each case must be considered on its individual merits and membership of one of these groups should not imply an automatic grant of DL. There may be other specific circumstances related to the applicant, or dependent family members who are part of the claim, not covered by the categories below which warrant a grant of DL - see the Asylum Instruction on [Discretionary Leave](#).

4.3 Minors claiming in their own right

4.3.1 Minors claiming in their own right who have not been granted asylum or HP can only be returned where (a) they have family to return to; or (b) there are adequate reception and care arrangements. Case owners should refer to the Agency's guidance on Family Tracing following the Court of Appeal's conclusions in the case of [KA \(Afghanistan\) & Others \[2012\] EWCA civ1014](#). In this case the Court found that Regulation 6 of the Asylum Seekers (Reception Conditions) Regulations 2005 imposes a duty on the Secretary of State to endeavour to trace the families of Unaccompanied Asylum Seeking Children (UASCs).

4.3.2 At present there is insufficient information to be satisfied that there are adequate reception, support and care arrangements in place for minors with no family in Bangladesh. Those who cannot be returned should, if they do not qualify for leave on any more favourable grounds, be granted Discretionary Leave for a period as set out in the relevant [Asylum Instructions](#).

4.4 Medical treatment

4.4.1 Individuals whose asylum claims have been refused and who seek to remain on the grounds that they require medical treatment which is either unavailable or difficult to access in their countries of origin, will not be removed to those countries if this would be inconsistent with our obligations under the ECHR. Case owners should give due consideration to the individual factors of each case and refer to the latest available country of origin information concerning the availability of medical treatment in the country concerned. If the information is not readily available, an information request should be submitted to the COI Service (COIS).

4.4.2 The threshold set by Article 3 ECHR is a high one. It is not simply a question of whether the treatment required is unavailable or not easily accessible in the country of origin. According to the House of Lords' judgment in the case of [N \(FC\) v SSHD \[2005\] UKHL31](#), it is "whether the applicant's illness has reached such a critical stage (i.e. he is dying) that it would be inhuman treatment to deprive him of the care which he is currently receiving and send him home to an early death unless there is care available there to enable him to meet that fate with dignity". That judgment was upheld in May 2008 by the European Court of Human Rights.

4.4.3 That standard continues to be followed in the Upper Tribunal (UT) where, in the case of [GS and EO \(Article 3 – health cases\) India \[2012\] UKUT 00397\(IAC\)](#) the UT held that a dramatic shortening of life expectancy by the withdrawal of medical treatment as a result of removal cannot amount to the highly exceptional case that engages the Article 3 duty. But the UT also accepted that there are

recognised departures from the high threshold approach in cases concerning children, discriminatory denial of treatment, the absence of resources through civil war or similar human agency.

- 4.4.4** The improvement or stabilisation in an applicant's medical condition resulting from treatment in the UK and the prospect of serious or fatal relapse on expulsion will therefore not in itself render expulsion inhuman treatment contrary to Article 3 ECHR. All cases must be considered individually, in the light of the conditions in the country of origin, but an applicant will normally need to show exceptional circumstances that prevent return, namely that there are compelling humanitarian considerations, such as the applicant being in the final stages of a terminal illness without prospect of medical care or family support on return.
- 4.4.5** Where a case owner considers that the circumstances of the individual applicant and the situation in the country would make removal contrary to Article 3 or 8 a grant of Discretionary Leave to remain will be appropriate. Such cases should always be referred to a Senior Caseworker for consideration prior to a grant of Discretionary Leave. Case owners must refer to the Asylum Instruction on [Discretionary Leave](#) for the appropriate period of leave to grant.

5. Returns

- 5.1** There is no policy which precludes the enforced return to Bangladesh of failed asylum seekers who have no legal basis of stay in the United Kingdom.
- 5.2** Factors that affect the practicality of return such as the difficulty or otherwise of obtaining a travel document should not be taken into account when considering the merits of an asylum or human rights claim. Where the claim includes dependent family members their situation on return should however be considered in line with the Immigration Rules.
- 5.3** Any medical conditions put forward by the person as a reason not to remove them and which have not previously been considered, must be fully investigated against the background of the latest available country of origin information and the specific facts of the case. A decision should then be made as to whether removal remains the correct course of action, in accordance with [Chapter 53.8 of the Enforcement Instructions and Guidance](#).
- 5.4** Bangladeshi nationals may return voluntarily to any region of Bangladesh at any time in one of three ways: (a) leaving the UK by themselves, where the applicant makes their own arrangements to leave the UK, (b) leaving the UK through the voluntary departure procedure, arranged through the UK Immigration service, or (c) leaving the UK under one of the Assisted Voluntary Return (AVR) schemes.
- 5.5** The AVR scheme is implemented on behalf of the UK Border Agency by Refugee Action which will provide advice and help with obtaining any travel documents and booking flights, as well as organising reintegration assistance in Bangladesh. The programme was established in 1999, and is open to those awaiting an asylum decision or the outcome of an appeal, as well as failed asylum seekers. Bangladeshi nationals wishing to avail themselves of this opportunity for assisted return to Bangladesh should be put in contact with Refugee Action Details can be found on Refugee Action's web site at: www.choices-avr.org.uk.

**Country Specific Litigation Team
Operational Policy & Rules Unit
Strategy & Assurance Group
UK Border Agency
March 2013**