**Upper Tribunal**
**(Immigration and Asylum Chamber)** **Appeal Number: IA/30209/2014**

**THE IMMIGRATION ACTS**

**Heard at Manchester Piccadilly**
**On 27 August 2015**

**Decision & Reasons Promulgated**
**On 2 September 2015**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE BIRRELL**

**Between**

**OLAROTIMI OGUNLEYE**
(ANONYMITY DIRCTION NOT MADE)

Appellant

**And**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**
For the Appellant: Mr F Khan of Pantiles Chambers
For the Respondent: Mr A McVitie Senior Home Office Presenting Officer

**DECISION AND REASONS**

Introduction

1. I have considered whether any parties require the protection of an anonymity direction. No anonymity direction was made previously in respect of this Appellant. Having considered all the circumstances and evidence I do not consider it necessary to make an anonymity direction.

2. This is an appeal by the Appellant against the decision of First-tier Tribunal Judge Williams promulgated on 24 November 2014 which dismissed the Appellant's application for leave to remain in the United Kingdom on the basis of his private life under paragraph 276ADE1(vi) of the Immigration Rules.

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Background

3. The Appellant was born on 7 June 1994 and is a national of Nigeria.

4. The Appellant arrived in the UK on 31 July 2005 on a visit visa at the age of 11 years and 2 months. He went to live with half siblings and has never left the UK since that date. At the date of hearing he was 20 years old. In 2005 he started at Wembley High School, in 2010 he entered Salford Academy and in September 2012 he started a Degree at Birmingham City University.

5. On 8 April 2014 the Appellant applied for leave to remain.

6. On 9 July 2014 the Secretary of State refused the Appellant's application by reference to Appendix FM and Paragraph 276ADE. The refusal letter gave a number of reasons:

   (a) The Appellant did not have a partner or child in the United Kingdom and therefore did not meet Appendix FM.

   (b) The Appellant did not meet the private life requirements as he had not been in the UK over 20 years (276ADE1iii), was not under the age of 18 (276ADE1iv) , had not spent at least half his life in the United Kingdom (276ADE v) . It was not accepted that he had lost all ties with Nigeria as he had spent the first 11 years of his life there and he had maintained contact with his father and had been visited by him in the United Kingdom.

   (c) There were no exceptional circumstances.

The Judge's Decision

7. The Appellant appealed to the First-tier Tribunal. First-tier Tribunal Judge Williams ("the Judge") allowed the appeal against the Respondent's decision under paragraph 276ADE(vi). The Judge found :

   (a) The Judge found the Appellant to be a credible witness.

   (b) The Appellant was abandoned in the United Kingdom aged 11 having expected to be here for a short holiday.

   (c) The Appellant had had no contact with his parents in Nigeria since 2005 or visited Nigeria since then.

   (d) His parents have visited the United Kingdom twice since 2005: the first time he was 14/15 and they chose not to see him and on the second occasion he was 18 he saw his parents they argued and he has not seen them. They have never written or phoned him since he has been in the United Kingdom.

   (e) His half siblings had a relationship with their father but that was too remote to constitute ties with them.

   (f) His half brothers evidence did not contradict that of the Appellant in that he stated their relationship was good because he defined that as one where they could say hello.

   (g) The father's letter suggesting that the Appellant chose to come to the United Kingdom aged 11 was one that the Judge placed little weight on finding that his parents had abandoned him.

(h) He found that Nigeria would be an alien environment to him.

(i) The Appellant has grown up with half siblings he regards as family and he is fully integrated into United Kingdom society.

(j) The Appellant has completed schooling in the United Kingdom and his United Kingdom family have paid for his University education.

*8.* Grounds of appeal were lodged arguing that the Judge had failed to take into account section 117B of the Nationality Immigration and Asylum Act 2002 and failed to give adequate reasons for his findings that the Appellant had no ties in Nigeria. On 14 July 2015 First-tier Tribunal Judge Astle gave permission to appeal.

*9.* I heard submissions from Mr McVitie and Mr Khan and took those into account.

**Finding on Material Error**

*10.* Having heard those submissions I reached the conclusion that the Tribunal made no material errors of law.

*11.* Mr McVitie properly conceded that the first ground had no merit as the Judge allowed the matter under the Immigration Rules and therefore was not required to take into account those factors under section 117B as they would only have been applicable had he considered the matter under Article 8 outside the Rules.

*12.* In a well reasoned and concise decision the Judge clearly set out the relevant law at paragraph 5- 6 of his decision including the guidance given in Ogundimu (Article 8 – new rules) Nigeria [2013] UKUT 60 (IAC). Against that background I am satisfied that he set out a well rounded assessment of all of the relevant circumstances underpinned by a finding that the Appellant was a credible witness who had been abandoned by his parents in the United Kingdom when he was 12 years old and had had contact with them on only one occasion since then in the United Kingdom when they argued bitterly and had not had contact since (paragraph 11)

*13.* The Judge made findings in relation to how well he was integrated into his family in the United Kingdom and into the society having gone through education here up to and including University. Given the age at which he came to the United Kingdom and the fact that he had been in the United Kingdom for 9 years and the lack of contact with his parents I am satisfied that it was open to the Judge to conclude that there was in essence nothing more than a remote connection to Nigeria. The Judges conclusion that he accepted the Appellant's evidence that he had been 'brought up as any British kid would be' was one that was open to him. The decision to give it weight was a matter for him.

*14.* I remind myself of what was said in Shizad (sufficiency of reasons: set aside) Afghanistan [2013] UKUT 85 (IAC) about the requirement for sufficient reasons to be given in a decision in headnote (1): "*Although there is a legal duty to give a brief explanation of the conclusions on the central issue on which an appeal is determined, those reasons need not be extensive if the decision as a whole makes sense, having regard to the material accepted by the judge."*

15. I was therefore satisfied that the Judge's determination when read as a whole set out findings that were sustainable and sufficiently detailed and based on cogent reasoning.

## CONCLUSION

16. **I therefore found that no errors of law have been established and that the Judge's determination should stand.**

## DECISION

17. **The appeal is dismissed.**

Signed Date 30.8.2015

Deputy Upper Tribunal Judge Birrell