



IAC-PE-AW-V1

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

Appeal Number: OA/05264/2014

THE IMMIGRATION ACTS

**Heard at Manchester
On 24th July 2015**

**Decision & Reasons Promulgated
On 10th August 2015**

Before

DEPUTY UPPER TRIBUNAL JUDGE LEVER

Between

**MR CHRISTOPHER CRAIG JOHNSON
(ANONYMITY NOT RETAINED)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr McIndoe

For the Respondent: Mr McVeety

DECISION AND REASONS

Introduction

1. The Appellant born on 22nd January 1996 is a citizen of Jamaica. He had applied for entry clearance to settle in the United Kingdom as a dependent child of the Sponsor. The Respondent had refused the application under paragraph 296 of the Immigration Rules. The Appellant had appealed that decision and his appeal was heard by First-tier Tribunal Judge Law at Stoke on 30th October 2014. The judge allowed the appeal under both the Immigration Rules and Article 8 of the ECHR.

2. The Respondent had appealed that decision on the basis that the judge had failed to consider anywhere in the determination whether the Appellant's biological father played any role in the Appellant's care.
3. Permission to appeal was granted by First-tier Tribunal Judge Parkes on 5th January 2015 on the basis that it was arguable that there had been no reference to the Appellant's father, an issue which needs to be addressed. Directions were issued for the Upper Tribunal to decide first of all whether an error of law had been made and the matter comes before me in accordance with those directions.

The Proceedings - Introduction

4. Mr McVeety on behalf of the Home Office conceded that on reading the evidence it is clear that the Appellant's biological father had in fact left the Appellant's mother (the Sponsor) at a time when she was pregnant. His name does not even appear on the Appellant's birth certificate. The issue of whether the father had any responsibility at any stage was not raised within the Entry Clearance Officer's refusal and it is further clear when reading the judge's decision that the evidence disclosed that the Sponsor had had sole responsibility of the Appellant from when he was born and for the first four years of his life until she came to the UK and the Appellant lived with her relatives. Mr McVeety conceded that the issue raised in the Grounds of Appeal was not a point that had ever been in issue given the accepted evidence that the Appellant's biological father had never played any part in the Appellant's life from the time of the Sponsor's pregnancy. It is understandable therefore that there is no specific reference to the natural father within the judge's decision as his situation in the Appellant's life had never featured nor hitherto been a consideration in the case. It is regrettable that the Home Office Appeals Unit had nothing more, it would seem than the judge's decision in this case as, had they had the bundle of evidence it would have become clear that the Appellant's biological father had never featured at any stage in a consideration of the evidence in this case.

Decision

5. There was no error of law made by the judge in this case and I uphold the decision of the First-tier Tribunal.
6. Anonymity is not retained.

Signed

Date

Deputy Upper Tribunal Judge Lever