



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

Appeal Number: PA/00015/2015

THE IMMIGRATION ACTS

**Heard at Glasgow
on 21 December 2015**

**Determination issued
on 5 January 2016**

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

HALIM ALI NOOR

Respondent

Representation:

For the Appellant: Mrs M O'Brien, Senior Home Office Presenting Officer

For the Respondent: Miss L Irvine, Advocate, instructed by Drummond Miller,
Solicitors

DETERMINATION AND REASONS

1. The parties are as above, but for ease and continuity of reference the rest of this determination refers to them as they were in the First-tier Tribunal.
2. The SSHD appeals against a determination by First-tier Tribunal Judge Hands, promulgated on 29 September 2015, allowing the appellant's appeal against deportation to Uganda.

3. The SSHD categorises each of her 4 grounds of appeal (the last 2 are both numbered "3") as "failure to give reasons on material matters". The appellant's rule 24 response challenges each ground by pointing out reasons which are given in the determination but which are overlooked (or even misrepresented) in the grounds.
4. On the first ground, the response makes it plain that the judge did not decide that the appellant did not constitute a danger to the community "simply because he said so". The judge carefully considered also expert social work evidence and evidence from the appellant's "surrogate family" to explain her conclusion that he would not be a danger in future.
5. On the second ground, the response demonstrates that the judge did not simply "accept the appellant's account of his sexuality on face value". There was also an independent psychiatric report and evidence of two close friends who were found credible and reliable.
6. It is unnecessary to go into further detail. The grounds and response speak for themselves. The grounds on reference to the determination and in light of the response are no more than disagreement and a highly partial reassertion of the SSHD's case.
7. The case may have been a difficult and finely balanced one, but the grounds do not show that the judge's resolution of it is undermined by any legal error.
8. The determination of the First-tier Tribunal shall stand.
9. No anonymity direction has been requested or made.



Upper Tribunal Judge Macleman

21 December 2015