



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

Appeal Number: HU/14111/2015

THE IMMIGRATION ACTS

Heard at Field House

On 4th July 2017

**Decision & Reasons
Promulgated
On 11th July 2017**

Before

Upper Tribunal Judge Chalkley

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**MR DERRICK YAW YEBOAH
(ANONYMITY DIRECTION NOT MADE)**

Respondent

Representation:

For the Appellant: Mr P Singh, Home Office Presenting Officer

For the Respondent: Mr V Aning, trading as Immigration Advisory Centre

DECISION AND REASONS

1. The appellant in this appeal is the Secretary of State for the Home Department and to avoid confusion I shall refer to him as being, "the claimant". The respondent is a citizen of Ghana who was born on 5th May, 1962.
2. The respondent appealed against a decision taken by the claimant on 9th December, 2015, to refuse his application for leave to remain in the United

Kingdom on human rights grounds and to give directions for his removal under Section 10 of the Immigration and Asylum Act 1999. In refusing the application, the claimant was not satisfied that the respondent had shown that the requirements of Appendix FM or paragraph 276ADE of the Immigration Rules had been met.

3. The appeal was heard by First-tier Tribunal Judge Sethi at Taylor House on 22nd March this year. The judge found that the respondent and his partner had a genuine and subsisting relationship with each other and that on the evidence before her the respondent's relationship with his partner's daughter was such that from the age of about 11 she looked upon him as her father figure. She concluded that the respondent had parental responsibility in applying *RK (s.117B(6); "parental relationship" (IJR) [2016] UKUT 31 (IAC)*.
4. She found that considering the state of the respondent's partner's daughter's education, that it would not be reasonable to expect her to relocate to Ghana. She found that she was satisfied on the totality of the evidence that there were insurmountable obstacles for her continuing family life with the respondent outside the United Kingdom. She allowed the respondent's appeal on human rights grounds.
5. The claimant challenged the determination suggesting that it was arguable that the judge had erred by failing to consider Section 117 of the 2002 Act and reliance was placed on *Dube (ss.117A-117D) [2015] UKUT 00090 (IAC)*.
6. At the hearing before me today the respondent's representatives had supplied a written submission which the Presenting Officer had earlier read. He told me that having considered the matter further in the light of those submissions he agreed that there was no material error of law in the determination of the First-tier Tribunal Judge's decision. I therefore uphold it.

Notice of Decision

The appeal is allowed on human rights grounds under the Immigration Rules.

No anonymity direction is made. No fee is paid or payable and therefore there can be no fee award.

Richard Chalkley
Upper Tribunal Judge Chalkley

Date: 8 July 2017