



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

Appeal Number: HU/02467/2019

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 12<sup>th</sup> July 2019**

**Decision & Reasons Promulgated  
On 23<sup>rd</sup> July 2019**

**Before**

**UPPER TRIBUNAL JUDGE MARTIN**

**Between**

**MRS CHARITY EMMANUEL  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr C Amgrah (UK Law Associates)

For the Respondent: Mr E Tufan (Senior Home Office Presenting Officer)

**DECISION AND REASONS**

This is an appeal to the Upper Tribunal by the Appellant with permission granted by a Judge of the First-tier Tribunal. The Appellant, who is a Nigerian national, had appealed a decision of 18<sup>th</sup> January 2019 refusing her Article 8 human rights claim. In the First-tier Tribunal the matter came before Judge Bell on 27<sup>th</sup> March 2019 at Nottingham and in a Decision promulgated on 17<sup>th</sup> April 2019 Judge Bell dismissed the appeal.

Permission to appeal was granted solely on the basis that it was arguably an error of law for the judge not to have set out the burden and standard of proof in the Decision. However, when you read the Decision as a whole it is quite

clear that whether or not the judge has set out the burden and standard of proof, she has applied it correctly. It is an Article 8 case. She has set out the evidence, set out what she accepts and what she does not accept, carried out an appropriate balancing exercise and concluded that there are no very significant obstacles to the Appellant integrating into Nigeria with her child on return where she has extended family member and her husband. Mr Amgrah was unable to take me to any part of Judge Bell's Decision and Reasons where she has applied too high a standard of proof or reversed the burden of proof.

I can find no error of law in the Decision and Reasons and for that reason the appeal to the Upper Tribunal is dismissed.

**Notice of Decision**

The appeal to the Upper Tribunal is dismissed.

No anonymity direction is made.



Signed

Date 17 July 2019

Upper Tribunal Judge Martin

**TO THE RESPONDENT**  
**FEE AWARD**

I have dismissed the appeal and therefore there can be no fee award.



Signed

Date 17 July 2019

Upper Tribunal Judge Martin