



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/07579/2017**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Field House**

**Decision & Reasons**

**On 23 May 2019**

**Promulgated**

**On 25 June 2019**

**Before**

**UPPER TRIBUNAL JUDGE PERKINS**

**Between**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**and**

**WILLIAM KPATO  
(ANONYMITY DIRECTION NOT MADE)**

Respondent

**Representation:**

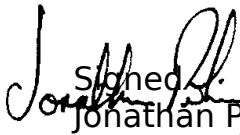
For the Appellant: Ms A Everett, Senior Home Office Presenting Manager  
For the Respondent: Mr D Jones, Counsel instructed by Sutovic and Hartigan

**DECISION AND REASONS**

1. This is an appeal brought by the Secretary of State against the decision of the First-tier Tribunal allowing the appeal of the respondent, hereinafter “the claimant” against the decision of the Secretary of State refusing him leave to remain on human rights grounds.
2. Essentially the grounds present a two-pronged attack.
3. The first is, I find, clearly without merit. It alleges procedural unfairness and that is something the Tribunal will always look at very seriously. It alleges that the Presenting Officer was unfairly prevented from pursuing a number of lines of cross-examination. More than that it is not specified. The nature of the prevention is not clear but, still more significantly for present purposes, there is nothing in the grounds to indicate what would have been pursued, and what would have been put, if, as alleged, the line of questioning had been restricted.

I find that a very important omission because it means that the grounds wholly fail to address the question of materiality.

4. The second prong possibly does not make the best of the underlying complaint that the Secretary of State might have. That is not the fault of Ms Everett's who must make the best of the grounds that have already been drawn. The ground claims that no proper regard was had for the expert evidence. That is unsustainable. It is patently clear that regard was had and no other criticism is made of the approach to that evidence and the conclusion reached.
5. It follows therefore that there is nothing of substance in these grounds when they are looked at with the care and assisted consideration that is possible a hearing if not always when a permission application is determined. Ms Everett wholly properly and professionally decided that she could do no more than draw them to my attention and leave matters there.
6. This case has not been made out and I dismiss the Secretary of State's appeal.

  
Signed  
Jonathan Perkins

Judge of the Upper Tribunal

Dated 19 June 2019