



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

Appeal Number: HU/18452/2018

**THE IMMIGRATION ACTS**

**Heard at Manchester CJC  
On 14 January 2020**

**Decision & Reasons  
Promulgated  
On 30 January 2020**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE G A BLACK**

**Between**

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

Appellant

**and**

**MISS SWA  
(ANONYMITY DIRECTION MADE)**

Respondent/ Claimant

**Representation:**

For the Appellant: Miss Pettersen (Home Office presenting officer)  
For the Respondent: Mr Thornhill, Thornhills Solicitors

**DECISION AND REASONS**

1. This is an appeal on behalf of the SSHD who is the appellant in this matter. In a Decision and Reasons promulgated on 19 August 2019 by First-tier Tribunal Judge Siddiqi (FTJ) allowed the Claimant's appeal on human rights grounds. The Claimant applied for entry clearance as the child of a parent (her father) present and settled in the UK on the

grounds of sole responsibility. The Claimant was aged 18 years at the date of the application.

2. In grounds of appeal the SSHD argued that the FTJ failed to give adequate reasons with reference to the ECO's concerns that the Claimant's mother had not been mentioned or her role considered. There was no evidence from the mother as to consent.
3. The SSHD was granted permission to appeal by First-tier Tribunal Judge Saffer on 11 November 2019. FTJ Saffer considered that it was arguable that the FTJ had given inadequate findings regarding the Claimant's mother's position or failed to explain what consequence of gravity may have befallen the appellant in the fifteen days between her application and her 18<sup>th</sup> birthday given the ongoing support she had. All grounds were arguable.
4. The Claimant produced a Rule 24 response opposing the application.

### **Discussion and decision**

5. I have read the grounds of appeal, Rule 24 response and the decision and reasons. I heard submissions from Miss Pettersen and from Mr Thornhill. I decided that there was no material error of law in the FTJ's Decision and Reasons and it shall stand. In a thorough and well-reasoned decision the FTJ fully considered the evidence in terms of sole responsibility and applied the correct law. The FTJ accepted the explanation as to the gap of some twelve years when there was no contact between the Claimant and the sponsor, her father, but she found that there had been frequent recent contact as evidenced in the sponsor's passport. The FTJ also found there was evidence of financial support. The FTJ also had in mind the duties performed by the Claimant's grandmother, but found evidence to show that there was sole responsibility on the part of the sponsor. In addition the FTJ had before her a medical report setting out the grandmother's difficulties.
6. Whilst the decision does not raise any concerns about the Claimant's mother, I do not consider to be a major issue having regard to the determination as a whole. It is clear to me that some explanation was provided with the original application detailing information about the Claimant's mother. It is not clear that the ECO had considered all of the documents submitted with the application and the sponsor's witness statement which in effect address the concerns raised. I am satisfied that the First-tier Tribunal accepted and found the evidence before her to be reliable and that included the sponsor's witness statement, the written consent from the mother, the written consent from the grandmother and the Claimant's own witness statement. It appears, although no finding was made in the decision, that it was accepted that

the Claimant's mother lived in Erbil and that she had provided her written consent to the Claimant coming to join her father in the UK.

7. There is no material error in law and the decision shall stand.
8. The appeal is dismissed. The decision shall stand.

**Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008**

Unless and until a Tribunal or court directs otherwise, the Claimant is granted anonymity. No report of these proceedings shall directly or indirectly identify her or any member of her family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed

Date 24.1.2020

Deputy Upper Tribunal Judge G A Black

**TO THE RESPONDENT  
FEE AWARD**

The appeal was allowed but the FTT made no fee award as there was evidence considered at the hearing.

Signed

Date 24.1.2020

Deputy Upper Tribunal Judge G A Black