Upper Tribunal
(Immigration and Asylum Chamber) **Appeal Number: HU/17159/2019 (V)**

THE IMMIGRATION ACTS

Heard at Cardiff Civil Justice Centre
Working Remotely By Skype
On 15 April 2021

Decision & Reasons Promulgated
On 28 April 2021

Before

UPPER TRIBUNAL JUDGE GRUBB

Between

ENTRY CLEARANCE OFFICER – UKVS SHEFFIELD

Appellant

and

ISOBEL MARIA ROBERTS

Respondent

Representation:
For the Appellant: Ms R Petterson, Senior Home Office Presenting Officer
For the Respondent: Ms C O'Connell, the sponsor

DECISION AND REASONS

1. Although this is an appeal by the Entry Clearance Officer ("ECO"), for convenience I will refer to the parties as they appeared before the First-tier Tribunal.

Introduction

2. The appellant is a citizen of Zimbabwe who was born on 12 October 1959.

3. On 12 June 2019, the appellant made an application for entry clearance to join her daughter, the sponsor, in the UK under the Adult Dependent Relative ("ADR")

provisions in Appendix FM of the Immigration Rules (HC 395 as amended) and Art 8 of the ECHR.

4. On 5 September 2019, the ECO refused the appellant's application for entry clearance and rejected her claim to enter the UK under Art 8 of the ECHR.

5. The appellant appealed to the First-tier Tribunal. In a determination sent on 24 September 2020, the First-tier Tribunal (Judges Osborne and Trevaskis) allowed the appellant's appeal under Art 8 of the ECHR. The FtT found that the appellant met the requirements of the ADR provisions and that the refusal to grant her entry clearance was a breach of Art 8 based upon her family life with the sponsor and her other family members in the UK.

The Appeal to the Upper Tribunal

6. The ECO sought permission to appeal to the Upper Tribunal on the basis that the evidence could not properly establish that the appellant met the ADR provisions in Appendix FM and also that the FtT had failed properly to apply Art 8 of the ECHR in identifying "unjustifiably harsh consequences" if the appellant were not admitted to the UK and had failed adequately to take into account the public interest.

7. On 9 November 2020, the First-tier Tribunal (UTJ Martin) granted the ECO permission to appeal.

8. The appeal was listed for a remote hearing at the Cardiff Civil Justice Centre on 15 April 2021 with the UT working remotely. The ECO was represented by Ms Petterson and the sponsor, Ms O'Connell, who is the appellant's daughter, represented the appellant. Both joined the hearing remotely by Skype.

9. At the outset of the hearing, I explained to the sponsor the process for determining the appeal. The first issue was whether or not the ECO had established that the FtT's decision should be set aside because of an error of law and, if that were the case, the second issue would be to remake the decision under Art 8.

10. In the result, having heard submissions from Ms Petterson and the sponsor, I concluded that the FtT's decision could not stand as it had materially erred in law in reaching its finding that the appellant met the requirements of the ADR provisions in Appendix FM and in allowing the appeal under Art 8. Having done so, I heard further brief evidence and submissions from Ms O'Connell and submissions from Ms Petterson on behalf of the ECO.

11. At the conclusion of the hearing, I reserved my decision. I now give my reasons on the error of law issue and in remaking the decision.

The Immigration Rules

12. The rules concerned with entry clearance for an Adult Dependent Relative are in Section E-ECDR of Appendix FM. In this appeal, the relevant rules concern 'eligibility' and are set out in E-ECDR.2.4. and 2.5. as follows:

> "2.4. The applicant or, if the applicant and their partner are the sponsor's parents or grandparents, the applicant's partner, must as a result of age, illness or disability require long-term personal care to perform everyday tasks.
>
> 2.5. The applicant or, if the applicant and their partner are the sponsor's parents or grandparents, the applicant's partner, must be unable, even with the practical and financial help of the sponsor, to obtain the required level of care in the country where they are living, because –
>
> (a) it is not available and there is no person in that country who can reasonably provide it; or
>
> (b) it is not affordable."

13. Appendix FM-SE, set out in paras 34 and 35 "specified evidence" that must be provided in order to establish the relevant eligibility requirement of the need for "long-term personal care" as a result of age, illness or disability. That evidence must be independent medical evidence and from a doctor or other health professional. In addition there must be independent evidence that the appellant is unable even with the practical and financial help of the sponsor in the UK to obtain the required level of care in their own country and that this must be from a health authority, local authority or doctor or other health professional.

14. These provisions, which were brought into effect in Appendix FM from 9 July 2012, were considered by the Court of Appeal in R (BritCits) v SSHD [2017] EWCA Civ 368. In that case, the Court of Appeal rejected a judicial review challenge to the ADR Rules. The Master of the Rolls (Sir Terence Etherton MR) described the underlying policy of the ADR rules as follows (at [58]):

> "… the policy intended to be implemented by the new ADR Rules, as appears from the evidence, the new ADR Rules themselves and the Guidance, and confirmed in the oral submissions of Mr Neil Sheldon, counsel for the SoS, is clear enough. It is twofold: firstly, to reduce the burden on the taxpayer for the provision of health and social care services to those ADRs whose needs can reasonably and adequately be met in their home country; and, secondly, to ensure that those ADRs whose needs can only be reasonably and adequately met in the UK are granted fully settled status and full access to the NHS and social care provided by local authorities. The latter is intended to avoid disparity between ADRs depending on their wealth and to avoid precariousness of status occasioned by changes in the financial circumstances of ADRs once settled here."

15. At [59], the court also set out the scope of the rule and its focus on whether a reasonable level of care provided to the "required level" in the individual's home country as the yardstick of the provision. Further, the importance of accessibility and ability to obtain the care (albeit through financial support from UK based relatives) is a feature of the rule. The rule is also, the Court of Appeal noted, "capable of embracing emotional and psychological requirements". The Master of the Rolls said this:

> "…as is apparent from the Rules and the Guidance, the focus is on whether the care required by the ADR applicant can be "reasonably" provided and to "the required level" in their home country. As Mr Sheldon confirmed in his oral

submissions, the provision of care in the home country must be reasonable both from the perspective of the provider and the perspective of the applicant, and the standard of such care must be what is required for that particular applicant. It is possible that insufficient attention has been paid in the past to these considerations, which focus on what care is both necessary and reasonable for the applicant to receive in their home country. Those considerations include issues as to the accessibility and geographical location of the provision of care and the standard of care. They are capable of embracing emotional and psychological requirements verified by expert medical evidence. What is reasonable is, of course, to be objectively assessed."

16. Subsequently, in Ribeli v Entry Clearance Officer, Pretoria [2018] EWCA Civ 611, the Court of Appeal approved the comment made by the UT in that case that the ADR provisions are "rigorous and demanding" (see [43] and [56] per Singh LJ).

The FtT's Decision

17. The FtT heard oral evidence from the sponsor (the appellant's elder daughter), her younger daughter (Thelma Foxen) and her son (Glen Roberts). In addition, the FtT had a letter from Dr Mutseyekwa dated 19 March 2020. The FtT set out that evidence at paras 8-18 of its decision as follows:

"**The Hearing**

The Sponsor

8. The Sponsor gave evidence in English. She said that her father died in 2017 and her mother had been living alone since then. She suffers from diabetes and she has undergone knee surgery for an injury sustained when she was playing basketball when young. She does not drive and is unable to walk far and so she needs help to collect her medication. She is able to dress, wash, use the toilet and cook without help but she is unable to clean the house.

9. It is very expensive to fly to Zimbabwe to visit her and the cost of care in that country is also very high. Her children in the United Kingdom can care for her here more cheaply. The appellant has been a regular visitor to the United Kingdom since 2008, on each occasion returning in accordance with her visa.

10. She was cross-examined. The doctor's letter does not provide an assessment of the appellant's care needs. Her knee surgery was approximately five years ago and she uses crutches and has a brace on her knee.

11. The Sponsor last visited Zimbabwe in July 2019 and spent a few weeks there. Her siblings last visited in 2017 on the death of their father. They sent money to her to pay for a cleaner. She needs to collect medication twice a month but it is not always available in Zimbabwe and she has to pay a runner to go to South Africa to collect her medication there and also sometimes to obtain food.

12. She has lived in the family home for 40 years which is located in a suburb. She has little contact with her neighbours whom the Sponsor described as drunkards. Her children send approximately £1,500 each month and the

Sponsor sent £500 last night. Her children will undertake to pay all her costs of medical treatment and some assistance in the United Kingdom.

Thelma Foxen

13. She is the Sponsor's sister and the appellant's daughter. She and her daughter live with the Sponsor and their brother and his family live nearby. The death of their father in 2017 had a big impact on all of them. Until that time the appellant had never been alone. While caring for her husband the appellant's own health declined and she developed eye problems which made it difficult for her to read the instructions on her medication and sometimes she took too much. The appellant is retired from work and will be unable to find work in Zimbabwe, even if she were able to do so.

14. She was cross-examined. Her mother had worked for Coopers and Lybrand but her employment was not pensionable. She stopped work in 1996 because her husband was the main provider.

15. The appellant uses crutches most of the time in winter and about six or seven times a month in the summer. Thelma has worked in the care industry and has sent her mother aids for living such as a hire chair. Her mother lives in a crescent of seven houses and an unsafe area with a barn nearby, she has no contact with her neighbours. Her mother is lonely and misses her children and grandchildren and has no family in Zimbabwe to help her.

Glen Elton Roberts

16. He is the appellant's son and the brother of the Sponsor and Thelma. They are a very close family and want to provide their mother with the best help possible. He has worked in the care industry and said that his mother can do most things by herself such as walking or getting dressed. She needs adaptions such as a toilet frame, lower shower and handrails.

17. He was cross-examined. He said that he spoke to his mother yesterday and she said that her body was not what it was before. Her last visit here was in 2018. Last month they sent £1,900 to her by Western Union and over the last six months a total of £7,000. They had been sending at least £1,000 a month since 2008. He has his own family to support and rent to pay and this makes the remittances difficult.

<u>Other Evidence</u>

Letter From Dr. M. B. Mutseyekwa Dated 19 March 2020

18. The letter states that the appellant had been receiving treatment for diabetes since 2015 and has chronic osteoarthritis of the right knee. She takes Metformin 1 g daily for the diabetes and it has become increasingly difficult to obtain this due to erratic availability and escalating costs. She underwent Arthroscopy for the knee but continues to experience pain which makes it difficult for her to stand for long periods and she needs to take regular painkiller medication. Physiotherapy is expensive. In addition, she has been coping with loneliness and depression since the death of her husband from cancer in 2017. Being with her children would be of benefit to her physically and emotionally."

18. Before the FtT, the ECO's submissions were that the evidence did not show that the appellant required "long-term personal care to perform everyday tasks". The appellant's submissions, made by the sponsor, were that the appellant's circumstances in Zimbabwe were getting worse and that since the death of their father they had to send more money to the appellant. The appellant was lonely and telephones them four or five times a day. It would be easier for them to care for her in the UK.

19. The FtT set out its reasons for concluding that the requirements of the ADR rule were met in para 31 of its determination as follows:

> "31. The primary ground for refusal of the application was that the respondent did not accept that the appellant was related to the sponsor as claimed. That issue has been resolved to the satisfaction of the respondent by documentary evidence and is no longer relied upon in these proceedings. Therefore, the only remaining ground of refusal is […] that the respondent is not satisfied that the appellant requires long-term personal care to perform everyday tasks due to her age, illness or disability. The refusal decision cites the lack of medical documents to confirm these matters. The doctor's letter relied upon by the appellant is regrettably lacking in sufficient detail about these matters, but we have heard oral evidence from the appellant's children about these requirements and we have no reason to disbelieve what they told us. We are satisfied to the required standard that due to her age, illness or disability, the appellant required long-term personal care to perform everyday tasks such as washing, dressing, cooking and cleaning. She also requires such help with shopping and obtaining essential medication, sometimes having to pay someone to go out of the country to obtain it."

The Error of Law Issue

20. In the grounds of appeal, the ECO does not directly take issue with whether the evidence strictly complied with the "specified evidence" provisions in Appendix FM-SE – which it does not appear to do except for the doctor's letter. Instead, the contention is that the evidence from the sponsor and the appellant's other children in the UK was incapable of establishing that her long-term personal care needs were not being met either because she was able to perform the tasks herself or was able to do so by paying for assistance and help with money provided by her children living in the UK.

21. The grounds were adopted by Ms Petterson in her submissions on behalf of the ECO.

22. The sponsor, on behalf of the appellant, told me that they had said all they could on behalf of the appellant and that anything more would only be embellishing it, by which she meant repetitious. She said that they were not able to obtain any more medical evidence but doctors in Zimbabwe were reluctant to say everything about the availability of medical care in order to protect themselves. She said that the family would like the opportunity for the appellant to be with them in the UK. She had previously had their father to support her but since his passing in 2017 the

appellant had been on her own and the sponsor reminded me that the family in the UK spoke to her by videocall around five times a day.

23. In my judgment, the evidence before the FtT could not reasonably support the FtT's finding in para 31 of its determination that the appellant met the requirements in E-ECDR.2.4 and 2.5. The evidence was that the appellant was, for example, able to dress, wash, use the toilet and cook without help. She was unable to clean her house but, with the financial support of her family in the UK, she employed a cleaner. Likewise, she required help to collect her medication but that was available and, again with the financial support from her family in the UK, she employed a person to collect it, including from South Africa.

24. Whilst I do not doubt the genuineness and sincerity of the underlying reasons of the appellant's family for wanting the appellant to live in the UK, namely that the appellant would be better off living in the UK with them, the ADR provisions lay down, as the Court of Appeal noted in Ribeli, requirements that are "rigorous and demanding". Those requirements require the appellant to establish on a balance of probabilities that her "long-term personal care" needs in order to perform everyday tasks are not met in Zimbabwe and cannot be provided to the "required level of care" because they are either not available or are not affordable. The evidence from the witnesses in this appeal do not establish those requirements. The appellant's personal care needs are either met by the appellant herself or are available and are provided by others with funds provided by her family in the UK. Her medical needs are met and the FtT could only decide the appeal on the basis of the actual evidence provided.

25. Whilst there is, no doubt, a psychological and emotional impact upon the appellant living in Zimbabwe with her family in the UK. The impact of separation is mitigated to some extent by the fact that she speaks to her family four or five times on the telephone (and that is now by videocall). She has also visited regularly since 2008 the UK to see her family, including her grandchildren. Her family have visited her in Zimbabwe too.

26. Taking all this evidence together, the appellant could not, in my judgment, reasonably establish on a balance of probabilities that the requirements of E-ECDR.2.4. and 2.5. were met. The FtT's decision to the contrary was unsustainable on the evidence.

27. For these reasons, therefore, the FtT erred in law in reaching its finding that the appellant met the requirements of the ADR provisions in Appendix FM.

28. Of course, the appeal to the FtT was limited to Art 8 of the ECHR. The Tribunal set out the relevant five-stage test in Razgar and its application at paras 34-42. However, in reaching its conclusion that the decision to refuse the appellant entry clearance was a disproportionate interference with her family life, the FtT relied upon the fact that the appellant met the requirements of the Rules (see paras 38 and 40-41). At para 38, the FtT concluded that the interference with her family life was "unnecessary in the interests of the economic well-being of the country" because "the

appellant can meet the Rules". Then, at para 41 in considering the public interest the Tribunal again stated: "the appellant can satisfy the Immigration Rules for family life". The decision in respect of Art 8 was, as a result, material affected by the finding (not properly open to the FtT) that the appellant met the requirements of the ADR rules. The decision to allow the appellant's appeal under Art 8 of the ECHR cannot, therefore, be sustained and is set aside.

Remaking the Decision

29. Having indicated that the FtT's decision could not stand and that I would remake the decision, the sponsor provided some additional oral evidence in answer to questions from me and in brief cross-examination by Ms Petterson. None of the evidence went any further than that which was before the FtT in any large measure.

30. The appellant's husband had passed away in November 2017 and the appellant had no family in Zimbabwe. She had a sister in Derby and her other siblings were in Australia. Her children all lived in the UK. She spoke with her family in the UK at least five times a day by videocall. The appellant has four grandchildren – her younger daughter has one child and her son has three children who are aged between 1½ years and 10 years old. They interact with her through the videocalls. The three older grandchildren met her at her husband's funeral in November 2017 and, of course, the appellant has made regular visits since 2008 to the UK to visit her family since her husband died. She has returned to Zimbabwe after each visit.

31. In answer to questions from Ms Petterson, the sponsor said that it was costly for the appellant to visit the UK. The family were trying to eliminate the appellant living on her own for long periods of time which affected her emotionally. They wish to give her a more stable family life in the UK as she had done for them. The sponsor said that doctors generally do not want to write down anything that could "come back on them".

The Submissions

32. On behalf of the ECO, Ms Petterson submitted that the appellant could not succeed under the ADR rules or under Art 8 outside the Rules. She accepted that there was evidence of loneliness and interaction with her family, including her grandchildren in the UK. However, she submitted that there were not "unjustifiably harsh consequences" sufficient to outweigh the public interest and establish a breach of Art 8. The appellant's care and personal needs were being met. She could always come to the UK as a visitor.

33. On behalf of the appellant, the sponsor submitted that Art 8 was all about 'family life' and that is what they would like to further by bringing the appellant to the UK. It was what, the sponsor said, any child would want to do for a parent to the best of their ability, namely further their family life and not leave their joining the family in the UK until the appellant was unable to do anything for herself because she was incapacitated. The family, she said, should be able to enjoy themselves together now when she can play with her grandchildren.

Discussion and Findings

34. The appellant's claim under Art 8 must be established outside the Rules. For the reasons I have already given, the appellant cannot establish, on a balance of probabilities, that she meets the requirements of the ADR rule in E-ECDR.2.4. and 2.5.

35. Article 8 of the ECHR provides as follows:

> "**Article 8 – Right to respect for private and family life**
>
> 1. Everyone has the right to respect for his private and family life, his home and his correspondence.
>
> 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

36. In determining the claim under Art 8, I apply the five-stage test in R (Razgar) v SSHD [2004] UKHL 27. Although this is a case of 'positive obligations' under Art 8 as it involves entry into the UK, the Razgar approach (a negative obligation case) remains helpful and a different mode of analysis is unlikely to be substantially important (see Hesham Ali v SSHD [2016] UKSC 60 at [32]). In R (Agyarko and another) v SSHD [2017] UKSC 11 at [41) Lord Reed said:

> "Ultimately, whether the case is considered to concern a positive or a negative obligation, the question for the European court is whether a fair balance has been struck. As was explained in *Hesham Ali* at paras 47-49, that question is determined under our domestic law by applying the structured approach to proportionality which has been followed since *Huang*."

37. In R (Razgar) at [17], Lord Bingham set out the 5-stage approach when applying Art 8:

> "In considering whether a challenge to the Secretary of State's decision to remove a person must clearly fail, the reviewing court must, as it seems to me, consider how an appeal would be likely to fare before an adjudicator, as the tribunal responsible for deciding the appeal if there were an appeal. This means that the reviewing court must ask itself essentially the questions which would have to be answered by an adjudicator. In a case where removal is resisted in reliance on article 8, these questions are likely to be:
>
> (1) Will the proposed removal be an interference by a public authority with the exercise of the applicant's right to respect for his private or (as the case may be) family life?
>
> (2) If so, will such interference have consequences of such gravity as potentially to engage the operation of article 8?
>
> (3) If so, is such interference in accordance with the law?

> (4) If so, is such interference necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others?
>
> (5) If so, is such interference proportionate to the legitimate public end sought to be achieved?"

38. In addition to the Art 8 right of an appellant, the Art 8 rights of others with whom they share family life are also relevant (see, Beoku-Betts v SSHD [2018] UKHL 39). In carrying out the 'fair balancing' exercise required by Art 8.2, the best interests of any child are a primary, though not paramount, consideration (see ZH(Tanzania) v SSHD [2010] UKSC 4 and Zoumbas v SSHD [2013] UKSC 74 at [10]).

39. I accept that the appellant, based upon her relationship with her children and grandchildren in the UK, has established 'family life' with them. I also accept that that family life will be interfered with if the appellant is not granted entry clearance.

40. That interference will be in accordance with the law, namely the Immigration Rules.

41. The crucial issue in this appeal is whether or not that interference is a "proportionate" interference based upon a legitimate aim, namely the economic well-being of the country, including effective immigration control. That requires a 'fair balance' to be struck between individual interests and the public interest. In striking a 'fair balance' between the competing public and individual interests, when determining proportionality, in Agyarko, Lord Reed recognised at [47] the courts have:

> "to take the Secretary of State's policy into account and to attach considerable weight to it at a general level, as well as considering all the factors which are relevant to the particular case."

42. In determining the issue of proportionality, a court of tribunal must have regard to the factors set out in s.117B of the Nationality, Immigration and Asylum Act 2002 (as amended) (see s.117A(2)). Sections 117B(1)-(3) are relevant in this appeal.

43. In order to succeed in a claim outside the Rules, it must be established that the public interest is outweighed by the individual circumstances of the appellant and her family such that there would be "unjustifiably harsh consequences" if she is refused entry clearance (see Agyarko at [48] and [60] per Lord Reed).

44. In this appeal, as I have already noted, the appellant cannot meet the requirements of the ADR provisions in the Rules that the policy underlying those Rules was noted by the Court of Appeal in the BritCits' case at [58] set out above. In particular, the Court of Appeal noted that one of the policies underlying the Rules was to "reduce the burden on the taxpayer for the provision of health and Social Services' care to ADRs whose needs can reasonably and adequately be met in their own country".

45. As I observed earlier, the underlying motivation of the appellant's family (and the appellant herself) to come to the UK in order for them to live as a family and support

the appellant is entirely genuine, sincere and, indeed, understandable. The Rules do not, however, permit the appellant to enter the UK in her particular circumstances. That reflects an important, and strong, policy which must be taken into account under Art 8.2.

46. Further, I carry forward my conclusions on the evidence above concerning the appellant's circumstances in Zimbabwe. The basis upon which the appellant cannot meet the requirements of the ADR rule is that her long-term personal care needs (physical and medical) are met in Zimbabwe either because she is able to take care of her own needs or her needs are catered for through the support of others paid for by her family in the UK. That financial support from the UK which, on the figures given in evidence before the FtT, is quite substantial, will continue and the contrary was not suggested before me by the sponsor.

47. The appellant is, at least to some extent, able to interact with her family, including her grandchildren via her videocalls which, I accept, take place at least five times a day. That is no complete substitute for face-to-face interaction but it is also not an insignificant interaction between separated family members. It would, no doubt, be better for her grandchildren – in their 'best interests' – if the appellant were in the UK rather than Zimbabwe.

48. In addition, the appellant has made regular visits to the UK since 2008 to visit her family. On each occasion, she has remained, and then returned to Zimbabwe following her six-month maximum visit on each occasion. I accept that this financially costs her family in the UK but they have been able to afford it in the past and there is no evidence before me to suggest that they could not continue to fund these visits in the future. There is, I should say, nothing in the evidence before me to suggest that any future applications for visits would be other than genuine and, consistently with the appellant's immigration history, would not result in her returning to Zimbabwe at the end of the visit.

49. There is a clear public interest engaged in this appeal given that the appellant cannot meet the requirements of the Immigration Rules (see s.117B(1) of the NIA Act 2002). The FtT accepted that the appellant speaks English and would be financially self-sufficient in the UK as a result of support from her children and that, therefore, the public interest in ss.117B(2) and (3) of the NIA Act 2002 is not engaged. However, that is a neutral factor and does not detract from the public interest in the maintenance of effective immigration control (see Rhuppiah v SSHD [2018] UKSC 58 at [57] per Lord Wilson).

50. I accept that her circumstances in Zimbabwe may present some difficulties for her. Her personal care and medical needs are, however, met. Despite the evidence of the appellant's loneliness and absence of any family in Zimbabwe, given all the circumstances, including that her long-term personal care needs are met in Zimbabwe and that she can maintain contact with her family while she is in Zimbabwe via videocalls and can continue to visit the UK on a regular basis as a visitor, I am not satisfied that the refusal of entry clearance in order to settle in the

UK with her family results in unjustifiably harsh consequences so as to outweigh the public interest.

51. For these reasons, therefore, I am not satisfied that the decision to refuse the appellant entry clearance breaches Art 8 of the ECHR.

Decision

52. For the above reasons, the decision of the First-tier Tribunal to allow the appellant's appeal under Art 8 of the ECHR involved an error of law. That decision cannot stand and is set aside.

53. I substitute a decision dismissing the appellant's appeal under Art 8 of the ECHR.

Signed

Andrew Grubb

Judge of the Upper Tribunal
19 April 2021

TO THE RESPONDENT
FEE AWARD

As the appellant's appeal has been dismissed, I make no fee award.

Signed

Andrew Grubb

Judge of the Upper Tribunal
19 April 2021