IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-000406

First-tier Tribunal No: HU/51452/2022

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On 17 August 2023

Before

DEPUTY UPPER TRIBUNAL JUDGE SAFFER

Between

DENNIS KOFI AGYEI
(no anonymity order made)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:
For the Appellant: Mr Chimpango a Solicitor
For the Respondent: Mr Diwnycz a Senior Home Office Presenting Officer

Heard at Manchester Civil Justice Centre on 9 August 2023

DECISION AND REASONS

1. The Appellant was born on 22 January 1972. He is a citizen of Ghana. He appealed against the decision of the Respondent dated 22 February 2022, refusing his human rights claim. The Appellant appeals against the decision of FtT Judge McAll, promulgated on 17 January 2023, dismissing the appeal.

Permission to appeal

2. Permission was granted by FtT Judge Chohan on 20 February 2023 who stated:

> "2. The grounds assert that the judge erred in consideration of the 20 year residence rule.
> 3. Paragraph 26 of the decision is of concern. In that paragraph, the judge refers to the fact that the appellant had worked illegally and that he had failed to regularise his stay. Under the long residence provisions, the fact that an appellant has been in

the United Kingdom illegally is irrelevant. The long residence provisions take into account legal and illegal stay in the United Kingdom. In my view, this matter must be explored further."

Grounds seeking permission to appeal

3. The grounds seeking permission to appeal state:

"1.0 The FTT judge erred in law in his finding that A has not been continuously present in the UK for more than 20 years.

1.1 Provided evidence of his continuous residence in the United Kingdom from 2003 in the form of Payslips, P60 forms, remittance receipts and other documents, which included various letters and utility bills.

1.2 While the FTT Judge accepted that A had provided evidence of his residence in the UK for the said period, the FTT Judge went ahead to consider irrelevant evidence when he stated at, para. 26 of his determination, that "*I find the P60's show that the Appellant was willing to adopt the use of a false national insurance number in order to undertake work and has therefore worked illegally in the UK*." It is submitted that under the Home Office Long Residence Policy for 20 years, it does not matter whether the applicant has lived in the UK legally or illegally.

1.3 Again, at para. 27 of his determination, the FTT Judge stated that the P60s did not show continuous residence in the UK because "*there is no indication in the evidence as to the dates the terms of the various employments covered and some of the amounts paid suggest that the Appellant was either not employed on a full-time basis or he was not employed for the whole year*." A was clear in his evidence that he was indeed not working full time and that he was not settled in one place. However, it is submitted that it was speculative for the FTT Judge to conclude that because A was not working full time then he was not continuously in the UK for the stated period.

1.4 The FTT Judge also failed to take into account the other proof of address documents that were submitted together with the P60s and only focussed on the P60 forms.

1.5 Further, the FTT Judge relied on a stamp that was endorsed in A's passport that he obtained in 2018 in London, which stated that "*Bearer has previously travelled on Ghanaian Passport No [redacted] of 14/09/05 which has been cancelled*". The FTT Judge concluded that "*my reading of the document is that the Appellant had travelled on a passport issued on 14th September 2005 which meant he had in fact left the UK on that passport*." It is submitted that this was again speculative on the part of the FTT. He literally "read his interpretation into" this endorsement. According to A, this is a generic endorsement that is endorsed on all passports that are issued after the previous passport has been cancelled. The wording of the stamp is also generic and merely describes the previous passport as a 'travel document', the wording –"*Bearer has previously travelled on…*" This does not necessarily mean the bearer has actually travelled with that passport. A has a copy of the cancelled passport (which was also issued in London) with all pages intact and has no stamps showing that A travelled on that passport. A copy of this passport, with a similar endorsement is attached.

1.6 Finally, the FTT Judge's assumption that A was able to go out of the UK and come back in, at will is preposterous in light of the fact that A had had no leave to remain in the UK throughout the period he has been here. The UK borders could not be so porous that A could go back and forth as he pleased. Even if this was the case, which is denied, the FTT Judge needed then to establish how many days did A stay outside the UK whenever he left the country to see if he was still within the provisions of the rules.

2.0 The FTT Judge erred in law in his finding that A does not face insurmountable obstacles to integrating back into society in Ghana should he be returned back. [see, para. 39]

2.1 First of all, it submitted that the FTT Judge failed to make a finding on the correct test as provided for under paragraph EX 1 (b) of the Appendix FM, which

is whether 'there are insurmountable obstacles *to family life with that partner continuing outside the UK* and not whether 'A does not face insurmountable obstacles to integrating back into society in Ghana should he be returned back.'
2.2 The FTT judge accepted at para. 29 that A's sponsor "*would struggle to support herself in Ghana and would struggle to adapt to life in Ghana*." However, at para. 36, the FTT Judge concluded that "*whilst it may be "very difficult", not their "preferred option" or "inconvenient" for the Appellant and sponsor to enjoy family life outside of the UK, the Appellant has failed to establish to the required standard that they face insurmountable obstacles or would suffer very serious hardship*."
2.3 It is submitted that the FTT Judge failed to apply correctly the provisions of Paras. EX 1(b) and EX 2 as well as the decision in *Agyarko and others [2015] EWCA Civ 440*.
2.4 It is submitted that the evidence that was adduced at the hearing was clear that there would be insurmountable obstacles to family life continuing outside the UK. Although A's sponsor indicated that, at a push, she could go to Ghana, she was clear that she could not stay for more than 3 weeks in Ghana given her family responsibilities in the UK.
2.5 Finally, the FTT Judge failed to sufficiently consider the best interest of A's Sponsor's grandchildren, who have clearly developed a strong bond with A and his removal from the UK would break the family relationship that A has developed with the grandchildren."

Rule 24 notice

4. The Rule 24 notice asserted that;

> "3. … paragraph 25 of the FTTJ decision, identified in the permission grant as causing concern evidently needs to be considered within the context of the remainder of the decision.
> 4. At no point in that paragraph does the FTTJ make a finding that the Appellant required 20 years lawful residence to be considered under the Rules. The paragraph simply deals with the integrity of the Appellant and his willingness to employ deception. Paragraph 27 clearly deals with the documentary evidence in the form of P60s, and the FTTJ was factually correct and entitled to find that they fall well short of establishing continuance residence.
> 5. The Respondent respectfully submits that the remainder of the grounds are simple disagreement with the findings of the FTTJ and fail to establish any material error of law."

Oral submissions

5. Mr Diwyncz relied on the Rule 24 notice.

6. Mr Chimpango submitted that the Appellant having worked illegally was an issue the Judge considered. The passport stamp is generic which goes in all passports upon renewal. There was no evidence the Appellant travelled on it. There are no entry or exit stamps. The rest of the documents establish the length of time the Appellant has been here. They are some missing years. If the Appellant was here illegally why would he leave the country? The United Kingdom's borders are not that porous.

The First-tier Tribunal decision

7. The Judge made the following findings:

> "21. I would accept the argument that nerves or simply poor recollection of a date could explain the Appellant's response and in isolation it would be of little concern when taken in the round with the rest of the evidence. This however was not the only evidence that was inconsistent or contradictory. When the Appellant was asked by Mr Scholes when did he inform the sponsor that he had been in the UK illegally and had no immigration status he claimed that he had, "explained it at the time" referring to their first meeting and for clarity Mr Scholes asked if the Sponsor had always known he was in the UK illegally and the Appellant replied "yes". That response was very different to that of the sponsor. When she was asked when did she become aware the Appellant was in the UK illegally, she stated she discovered that fact about eighteen months into their relationship. She explained she had booked a holiday abroad in August 2018 and at that point the Appellant told her he was illegally present in the UK and had no status here. The sponsor recalled asking the Appellant why he had not informed her of that fact earlier and certainly before she had booked the holiday. From that evidence I am satisfied the couple had discussed holidaying abroad and the Appellant had not spoken out during those discussions and only once the holiday was booked and he knew he was unable to leave the UK did he feel the need to speak out. It was that incident that led the sponsor to insist that the Appellant do something about regulating his immigration status in the UK.
> 22. That is not an isolated incident of the Appellant not sharing important information with the sponsor. The Appellant was asked by Mr Scholes if he had any relatives in Ghana when he left Ghana and the Appellant replied by stating his parents had passed away and he had not had an easy life in Ghana. The question was repeated and the Appellant replied by saying his mother had two brothers and a sister in Ghana. The Appellant was asked to confirm what he was saying was that when he left Ghana, he had two uncles and an aunt there and he replied that was correct. Mr Scholes then asked what relatives does he have in Ghana at the present time and the Appellant replied, "I have a sister in Spain". The Appellant was asked to answer the question and he was again asked "do you have any relatives in Ghana" and he replied, "I have no relatives in Ghana". Further on in his evidence the Appellant was asked the name of his sister in Spain and he replied that she is called Margaret. The Appellant was referred to the Supplemental bundle and the cash remittance slips showing payments from him to a Charlotte Agyei in Ghana from various dates between 10th February 2011 to 30th March 2015. The Appellant stated that Charlotte is his cousin. He was asked why was he sending money to his cousin and he replied, "she is disabled". He was asked what disability does she have and he replied, "I cannot explain how she is disabled", he was asked how old she is and he replied, "I don't know, forty-five or forty-two". He was asked to explain why he sent money direct to Charlotte if she is disabled would it not be more convenient to send it to her father, his uncle? The Appellant explained the uncle drinks, implying the money would not reach Charlotte. He was asked when was the last time he spoke to his uncle and Charlotte and he stated the uncle does not have a mobile phone and he has had no telephone contact with Charlotte since "last July" (July 2022). He was asked whether he would be able to live with Charlotte and her uncle should he return to Ghana and he stated that would not be possible. The Appellant added, "he cannot support me and I cannot get any help". Mr Chimpango asked the Appellant if he could remember the last time he had sent money to Charlotte and he stated that he could not and added he was not working and not able to support her.
> 23. When the sponsor came to give her evidence was asked by Mr Scholes whether she was aware of the Appellant's relatives in Ghana she replied, "no, I know he has a sister in Spain".
> 24. I have carefully considered the evidence of the Appellant and I am satisfied that he is not being truthful and transparent regarding his family and friends in Ghana. The Appellant has produced P60's showing he was in employment for periods from 2003 to 2009. He claims he has not worked in the UK since 2009 and from that date

until meeting the sponsor in 2017 he lived off the kindness of friends and acquaintances. Despite the claim he was living of the charity of others the Appellant's evidence shows he was sending money to Charlotte in Ghana at a time he claims to have been unemployed. He claims he cannot remember when he stopped sending money to Charlotte but when asked why he stopped he said because he was not working. His oral evidence was he stopped working in 2009 and he recalled that date so why then could he not recall when he stopped sending payments to Ghana. The record of the payments shows he was sending money at a time he now claims he was unemployed. I find the Appellant's account does not ring true. I also find the fact he maintained his contact with Charlotte up to July 2022 yet the sponsor is not aware of his relationship with her, further undermines his credibility.

25. The Appellant claims to have been in the UK since 2000. To support that claim he has produced copies of his P60's and the remittances to Charlotte. There is no evidence in the form of witness statements from persons who have known him over that period of time. There is no evidence to show that he registered with a doctor at any point. The P60's produced by the Appellant refer to a national insurance number. Mr Scholes asked the Appellant how he obtained that number and the Appellant explained a "friend" obtained it for him and he was aware it was not a legitimate number issued by the UK authorities. At page 160 of the stitched bundle is a P60 from 2003/2004 that shows the Appellant was working for an Essex based company at that time and earned £6,694 in that period. In 2004/2005 he was employed by a Manchester based firm using the same NI number. In that year he earned £5,827. In the following tax year and earned £16,367. In 2007/2008 he earned £21,369 and in 2008/2009 £23,604. Each P60 discloses a different home address for the Appellant. There is no evidence that at any time prior to meeting the sponsor he had his own accommodation or shared accommodation with others.

26. Mr Chimpango submits the P60's establish that the Appellant was living in the UK from at least 2003 and taken with the remittances that shows he has been in the UK since that year, even if I do not accept his oral evidence that he has been present since 2000. I find the P60's show that the Appellant was willing to adopt the use of a false national insurance number in order to undertake work and has therefore worked illegally in the UK. I find the P60's show the Appellant has at times worked in the UK and has had money available to him that allowed him to support himself. I find he also had sufficient time and funds to enable him to approach a lawyer or immigration advisory service to regulate his stay in the UK prior to 2010 yet he chose not to do that. I do not accept his claim, made in his oral evidence, that he did not make that approach to regularise his immigration status as he did not have sufficient funds.

27. On the question as to whether the P60's establish a "continued" presence in the UK I find that they do not. There is no indication in the evidence as to the dates the terms of the various employments covered and some of the amounts paid suggest that the Appellant was either not employed on a full-time basis or he was not employed for the whole year. The Appellant has produced a Ghanaian passport issued to him in London on 30th July 2018 (page 28 stitched bundle). The passport is endorsed, "Bearer has previously travelled on Ghanaian Passport No [redacted] of 14/09/05 which has been cancelled". I drew that document to Mr Chimpango's attention during his oral submissions when he raised for the first time that private life was engaged and I informed him my reading of the document is that the Appellant had travelled on a passport issued on 14th September 2005 which meant he had in fact left the UK on that passport. Mr Chimpango repeated his argument that the Appellant relies on both private life and family life in the UK. The burden rests on the Appellant to establish his case and I find that he has not established that he has been continuously present in the UK since 2000 or even since 2003. The Appellant has shown he has the ability to enter the UK illegally and remain undetected, he also has the ability to obtain a national insurance number and employment illegally. I find from his oral evidence that he has family in Ghana and in Spain with whom he was in contact and therefore he had the incentive to meet up with them. I also find there is very little evidence to support his claim of continuous presence in the UK prior to 2017 when he met the sponsor.

28. In contrast to the Appellant, I did find the sponsor to be a credible and truthful witness. She confirmed her statement and explained that all of her ties are in the UK and she would not be able to live apart from her adult children and her grandchildren. She explained that the Appellant is an integral member of the family and he supports her and her adult children with the childcare arrangements which frees up the adults in the family to work. She and the Appellant explain in their statements that the Appellant is seen as a father figure to the adult children and a grandfather figure to their children. I accept that evidence and I also accept the evidence that the Appellant and sponsor are in a genuine and subsisting relationship. I would however add that despite that relationship the Appellant at times has not always been as open and transparent about his past with the sponsor as he should have been. She does not for example know of his relatives in Ghana.
29. When an Appellant is not open and transparent about his personal circumstances it can in some cases make it difficult to assess what are the circumstances that he may face on return to his county of nationality in order to integrate back into society there either on a permanent basis or on a temporary basis in order to apply for entry clearance from abroad. The Appellant and sponsor referred to the difficulties they would face if they returned together to Ghana. The Appellant is 50 years old and the sponsor is 53 years old. The sponsor is in employment and she has held that employment for many years. The sponsor's home is in her name and is shared by one of her adult sons and one of her grandsons who is still at school and he has lived with her in the property from being a baby. The sponsor also has a very close bond with her adult daughter who lives nearby with her young children and relies on the sponsor and Appellant for support. The sponsor knows very little of Ghanaian culture and her current employment would not easily transfer over to the Ghanaian employment sector. I accept her claim that she would struggle to support herself in Ghana and would struggle to adapt to life in Ghana.
30. Mr Scholes asked the sponsor whether it was the Appellant's intention to take employment in the UK if his leave to remain is granted and she confirmed that it was. She was asked how would the Appellant continue with his current caring responsibilities for the grandchildren if he is working full-time. She then accepted that the Appellant would not be able to provide the level of support that he currently provides and she added that there are weekdays when she is not required at work and the same applies to her son who lives with her and she accepted that they would use that time to support the children if they needed to. I am satisfied that it is the Appellant's intention to work full-time if granted leave to remain and in such circumstances he will not be able to support the sponsor's grandchildren as he currently does. Those children will therefore be in almost the same position whatever the outcome of the appeal.
31. The sponsor's children are adults and I find nothing in the relationships that exist between the Appellant and the sponsor's children and grandchildren to suggest that they rely upon him to any extent other than a normal relationship that exists between adult children and a step-parent and grandchildren (Kugathas considered).
32. The Appellant claims that prior to coming to the UK he lived in Spain for approximately 8 months and his sister still lives there. He claims he has not returned to Ghana since he left at the age of 29 years old. I find the Appellant did therefore spend his formative years in Ghana and he has no communication issues or cultural issues should he return back there. The Appellant has shown that he can find employment even where barriers to that employment exist. He has shown the ability and initiative to survive in Spain and in the UK. He has accepted that he had contact with his family member in Ghana in July 2022 so he has maintained contact and links to Ghana despite his claims not to have any family there. I am satisfied that if he was to return to Ghana, he would have support from family members still present there.
33. Mr Scholes put to the Appellant that whilst her travelling to Ghana may not be ideal was she prepared to travel there in order to marry the Appellant and then apply for a marriage visa from there? The sponsor stated that if she had no option she would travel to Ghana with the Appellant and marry him there in order for him

to apply for entry clearance to join her in the UK as her spouse. She stated such a situation would, "…not be ideal but a situation that we would have to deal with". She was very clear that such time in Ghana could only be temporary as her children and grandchildren in the UK needed her to be present here. Not least because the house she lives in with her son and grandson is in her name and they would have no right to stay there if she lost her rights in that property and she had made no enquiries about transferring the property to her son as she does not feel that is an option. Neither party addressed me on the timescales involved for processing an entry clearance application as a spouse from Ghana. I found the sponsor very honest in her responses. I am also satisfied that she has considered some of the options available to her and the Appellant, should his appeal not succeed.

34. The meaning of "insurmountable obstacles" for the purpose of EX.1 is defined at EX.2 of the Immigration Rules and it means, "the very significant difficulties which would be faced by the applicant or their partner in continuing their family life together outside of the UK and which could not be overcome or would entail very serious hardship for the applicant or their partner."

35. In the case of **Agyarko and others [2015] EWCA Civ 440** the court said as follows;

> "21. The phrase "insurmountable obstacles" as used in this paragraph of the Rules clearly imposes a high hurdle to be overcome by an applicant for leave to remain under the Rules. The test is significantly more demanding than a mere test of whether it would be reasonable to expect a couple to continue their family life outside the United Kingdom.

36. Following my findings of fact, and having had the benefit of hearing from the Appellant and sponsor, whilst it may be "very difficult", not their "preferred option" or "inconvenient" for the Appellant and sponsor to enjoy family life outside of the UK, the Appellant has failed to establish to the required standard that they face insurmountable obstacles or would suffer very serious hardship.

37. I am satisfied family life exists between the Appellant and the sponsor; that has been accepted by the Respondent. I have not reached the same conclusion with regard to the sponsor's children and grandchildren. I have however considered section 55 of the Borders Citizenship and Immigration Act 2009 (BCIA) in regard to the grandchildren and their best interests and given my findings I am satisfied the decision does not breach that legislation. I have also considered the guidance in Beoku-Betts [2008] UKHL 39 and I am satisfied the decision is not in breach of that guidance. The children will remain with their parent and will continue to have support from members of their extended family. Whilst face to face contact may not be practicable contact can nonetheless be maintained.

38. Applying the relevant law to the established facts I find that the Appellant has failed to meet the requirements of the Immigration Rules and that there is nothing exceptional on the facts of the appeal that would lead me to allow the appeal outside of the Rules. The sponsor accepted that whilst it is not "ideal" for the Appellant to return to Ghana and apply for entry clearance as her spouse from there that remained an option open to them both. The Respondent submits that there is a strong public interest argument in refusing the Appellant leave to remain given his conduct in the UK and argues that I must also add little weight to the family life formed with the sponsor during the period the Appellant was illegally in the UK. Given my findings of fact above I accept that submission.

39. I have found the Appellant has not been continuously present in the UK for more than 20 years. I have also found he does not face insurmountable obstacles to integrating back into society in Ghana should he be returned back there. I find the Appellant has not satisfied the Rules in regard to his private life.

40. I have applied the test referred to by **Lord Bingham** in **Razgar**. I am satisfied the Respondent's decision does interfere with the family life that he currently enjoys with the sponsor. I am satisfied the decision is of such gravity that it engages the operation of Article 8. I find the decision is in accordance with the law as the Appellant has failed to meet the requirements of the Rules. I am satisfied the decision pursues the legitimate aim of maintaining appropriate immigration controls aimed at protecting the economic wellbeing of the UK. I am also satisfied that the decision is proportion given that the Rules have not been met and there is (sic)

noting on the facts of this appeal that I consider exceptional and that would lead to a grant of leave to remain outside of the Rules."

Discussion

8. There are numerous authorities that confirm that;
   (1) the weight of competing evidence is pre-eminently a matter for the trial Judge as is the credibility of oral testimony (see for example **Perry v Rayleys Solicitors [2019] UKSC5**),
   (2) Judicial restraint should be exercised when the reasons that a Tribunal gives for its decision are being examined (see for example **R (Jones) v First-tier Tribunal and Criminal Injuries Compensation Authority [2013] UKSC 19**),
   (3) the Upper Tribunal was only entitled to interfere with findings in fact made by the First-tier Tribunal if those findings were infected by some error of law (see for example **YZ v Secretary of State for the Home Department [2017] CSIH 41**), and
   (4) the mere fact that one tribunal reaches what may seem to be an unusually generous view of the facts of a particular case does not mean that it has made an error of law (see for example **Mukarkar v Secretary of State for the Home Department** [2006] EWCA Civ 1045).

9. There is no merit in ground 1 for these reasons.

10. The Judge had noted inconsistencies in the Appellant's evidence regarding conversations between him and his partner Ms Chapman over his status here and what family and friends he had in Ghana at [21 to 23].

11. The Judge does not have to slavishly recite or identify every document seen. The Judge identified at [8] that "I have also taken into account the Respondent's and Appellant's bundles; there was a "stitched bundle" of 181 pages and an Appellant's Supplemental Bundle of 29 pages." The Judge further noted documentation at [24 and 25].

12. The Judge accurately identified at [26] that the Appellant had worked here illegally. That does not form part of the reasoning for finding that he had failed to establish he had lived here continuously for 20 years. Those findings are contained within [25] and [27] and are set out above.

13. The Judge accurately recorded the endorsement on the Appellant's passport at [27]. There is no reason for the Judge to go behind that as there was no evidence from the Ghanaian authorities to support the assertion that it is a generic endorsement. The Appellant had produced that page of his passport at page 6 of the bundle he relied upon. He did not produce to the Judge in that bundle the rest of the passport.

14. It was conceded by the Mr Chimpango that there were gaps in the documentary evidence. It is not for the Judge to establish how many days the Appellant had spent outside the United Kingdom.

15. There was no cogent evidence of the ease with which the United Kingdom's borders can be crossed without immigration checks being endorsed within passports. It was the Appellant to adduce that evidence and the bare submission carries no weight without an evidential footprint.

16. It was for the Appellant to establish he had been here for 20 years continuously and for the numerous reason he gave, the Judge was entitled to find that he had not.

17. The grant of permission to appeal did not refer to Ground 2 of the application. I consider it bearing in mind **EH (PTA: limited grounds; Cart JR) Bangladesh [2021] UKUT 0117 (IAC)**. There is no merit in that ground for these reasons.

18. Contrary to that which has been asserted in the grounds, the Judge identified the correct test in [18(a)], [34], and [36] of the decision that is set out in paragraph EX 1 (b) of the Appendix FM, which is whether "there are insurmountable obstacles to family life with that partner continuing outside the UK."

19. The Judge gave cogent reasons in [21-23] for the finding in [24] that the Appellant was "not being truthful and transparent regarding his family and friends in Ghana" and in [24] that "he maintained his contact with Charlotte up to July 2022" and in [27] "that he has family in Ghana with whom he was in contact" and [32] "he had contact with his family members in Ghana in July 2022" and "he would have support from family members still present there".

20. The Judge gave cogent reasons in [29] why Ms Chapman would "struggle to support herself in Ghana and would struggle to adapt to life in Ghana". The Judge noted that evidence at [33] that Ms Chapman "would travel to Ghana with the Appellant and marry him there in order for him to apply for entry clearance to join her in the UK as her spouse".

21. Bearing these findings in mind, the Judge was entitled to find on the evidence at [36] that "it may be "very difficult", not their "preferred option" or "inconvenient" for the Appellant and sponsor to enjoy family life outside of the UK…". This is plainly a way of saying that there are no insurmountable obstacles to family life with the partner continuing outside the UK which the Judge did not have to repeat having said it three times already.

22. The grounds amount to nothing more than a disagreement with findings the Judge was entitled to make on the evidence.

Notice of Decision

23. The Judge did not make a material error of law.

Laurence Saffer

Deputy Judge of the Upper Tribunal
Immigration and Asylum Chamber

9 August 2023