IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM
CHAMBER

Case No: UI-2022-005390
UI-2022-005391
UI-2022-005392

First-tier Tribunal No:
HU/52750/2021;
IA/07845/2021
HU/52751/2021;
IA/07847/2021
HU/52752/2021;
IA/07849/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On 6th February 2024

Before

UPPER TRIBUNAL JUDGE MANDALIA

Between

TAZH (1)
RAB (2)
ROB (3)
(NO ANONYMITY DIRECTION MADE)

Appellant

and

Secretary of State for the Home Department

Respondent

REPRESENTATION:

For the Appellant: Mr R Toal, counsel, instructed by Wilson Solicitors
For the Respondent: Mr P Lawson, Senior Home Office Presenting Officer

Heard at Birmingham Civil Justice Centre on 13 July 2023

ORDER REGARDING ANONYMITY

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellants and their sponsor are granted anonymity.

No-one shall publish or reveal any information, including the name or address of the appellants, likely to lead members of the public to identify the appellants and their sponsor. Failure to comply with this order could amount to a contempt of court.

DECISION AND REASONS

INTRODUCTION

1. The appellants are nationals of Sudan. The first appellant is the wife of Mr HAB ("the sponsor"). The second and third appellants are the daughters of the first appellant and the sponsor. They were born on 9 August 2015 and 26 November 2017 respectively.

2. The sponsor is a national of Sudan. He arrived in the United Kingdom on 19 April 2010 and claimed asylum. He was granted international protection following a successful appeal before the First-tier Tribunal ("the FtT") on 10 February 2011. The sponsor now has indefinite leave to remain in the UK.

3. The first appellant is the sponsor's first cousin and they have known each other since they were 13 and 10 years old respectively. They claim to have become engaged in 2012 and claim to have met for the first time since the appellant fled Sudan, in person, in Egypt in October 2014. The sponsor travelled to Egypt in October 2014 and they married in a religious ceremony in Cairo on 10 October 2014. Since their marriage the sponsor has travelled to Egypt on several occasions to meet with his wife and daughters.

4. On 24 September 2020 the appellants applied for Entry Clearance to join the sponsor in the United Kingdom. The applications were refused by the respondent for reasons set out in decisions dated 26 May 2021. The appellants' appeals against those decisions were dismissed by FtT Jude Brannan for reasons set out in a decision dated 4 July 2022.

THE GROUNDS OF APPEAL

5. The appellants claim that what looks like a detailed and well reasoned decision, on closer inspection, contains material errors of law such that it cannot stand. The judge set out what he refers to as the balance sheet, weighing up the 'pros' and 'cons' in the proportionality assessment of the appellants' case. Notably absent from the Judge's consideration in the 'pros' is the fact that the circumstances of this family are such that there is nowhere else in the world where they are able to have a family life together and be reunited. This is a significant omission and one that amounts to material error of law.

6. Furthermore, the appellants claim

a. There is a failure to consider the discrimination that will follow from the sponsor's inability to ever meet the financial requirements because of his complex Post-Traumatic Stress Disorder (PTSD) which is currently exacerbated by the ongoing family separation.

b. The approach adopted by the judge as to the 'public interest' is erroneous and the judge has not engaged in a *Huang* compliant assessment. The judge engaged in abstract generalised policy issues, and abdicated his judicial responsibility in failing to make fact specific findings.

c. The appellant's case was that on their facts there would be a disproportionate interference with their family life for a multitude of reasons. The judge took into account irrelevant considerations, such as the Refugee Convention and ECHR not being intended to procure a general levelling up of living standards around the world, and "pull factors for illegal immigration".

d. The judge failed to address what may or may not be deemed as exceptional or compelling circumstances or whether the refusal of the appellants' application would result in unjustifiably harsh consequences for the appellants, as set out in GEN.3.2.(2) of Appendix FM.

e. The judge failed to have regard to the authorities that had been highlighted in the appellants' skeleton argument.

f. The judge misunderstood the submission relating to the weight to be afforded to the pre-flight history. A distinction was being made between a relationship that had formed entirely post flight, and one that was already in motion but was only disrupted by the circumstances of persecution that the sponsor faced resulting in him fleeing the country and becoming a refugee. The judge could and should have placed necessary weight on this relationship.

7. Permission to appeal was granted by FtT Judge Robinson on 12 September 2022. Judge Robinson said:

> "2. The grounds assert, in summary, that the Judge has failed to consider in his proportionality assessment that the United Kingdom is the only country in which the Appellant and her family are able to have a family life together and this failure amounts to a material error of law.
>
> 3. It is arguable that more weight should have been given to this matter in the Article 8 ECHR proportionality assessment."

THE HEARING OF THE APPEAL BEFORE ME

8. At the outset of the hearing Mr Toal confirmed:

a. The appellants do not pursue the claim made in paragraph [6] of the Grounds of Appeal that notably absent from the Judge's consideration in the 'pros' is the fact that the circumstances of this

family are such that there is nowhere else in the world where they are able to have a family life together and be reunited.

b. The appellants cannot meet the 'family reunion requirements' for leave to enter the UK as the partner or children of a refugee. The first appellant and sponsor married after the sponsor had left Sudan in order to seek asylum.

c. The appellants could not satisfy the financial eligibility requirements for leave to enter the UK as the spouse and children of the sponsor.

9. Mr Toal submits the issue in the appeal was, in accordance with the final stage of the test laid down in *Razgar*, whether the interference caused by refusing the applications is proportionate to the legitimate aim of efficient immigration controls and the economic well-being of the country. As the appellants cannot meet the substantive or eligibility requirements for leave to enter for the purposes of 'family reunion' or to join the sponsor in the UK, the judge was required to consider GEN.3.1 and GEN 3.2 of Appendix FM and whether there are exceptional circumstances which could render refusal of entry clearance a breach of Article 8, because such refusal could result in unjustifiably harsh consequences for the appellants and their sponsor.

10. Mr Toal submits the judge lists those factors that weigh in favour of the appellants at paragraph [65] to [69] of the decision. At paragraph [70], the judge concluded those factors do not outweigh the public interest factors that weigh against the appellant. The judge said, *"This result is, in my view, perhaps regrettable and certainly inevitable."*. At paragraph [71], the judge set out his reasons.

11. Mr Toal submits that at paragraph [72] the judge said the outcome of the appeal was inevitable because to conclude that the decision would be in breach of Article 8 would be tantamount to saying that anyone from a sufficiently dangerous country may live in the UK if married to a refugee here. Mr Toal refers to the judgement of Lord Reed in *Ali v Secretary of State for the Home Department* [2016] UKSC 60 ("*Ali")*, in which he referred to *Huang.* There, Lord Bingham confirmed appellate decision making is not governed by the Immigration Rules, albeit they are the point at which to begin, not end, the consideration of the claim under Article 8. Mr Toal submits that here, the judge took the respondent's policy, as expressed in the rules, as being where the balance lies. Furthermore, at paragraphs [44] to [46] of his judgement in *Ali* Lord Reed said:

> "44. Fifthly, in considering the issue arising under article 8 in the light of its findings of fact, the appellate authority should give appropriate weight to the reasons relied on by the Secretary of State to justify the decision under appeal. In that connection, Lord Bingham gave as examples a case where attention was paid to the Secretary of State's judgment that the probability of deportation if a serious offence was committed had a general deterrent effect, and another case where weight was given to the Secretary of State's judgment that the appellant posed a threat to public order. He continued:

> "The giving of weight to factors such as these is not, in our opinion, aptly described as deference: it is performance of the ordinary judicial task of weighing up the competing considerations on each side and according appropriate weight to the judgment of a person with responsibility for a given subject matter and access to special sources of knowledge and advice. That is how any rational judicial decision-maker is likely to proceed." (para 16)"

45. It may be helpful to say more about this point. Where an appellate court or tribunal has to reach its own decision, after hearing evidence, it does not, in general, simply start afresh and disregard the decision under appeal. That was made clear in Sagnata Investments Ltd v Norwich Corpn [1971] 2 QB 614, concerned with an appeal to quarter sessions against a licensing decision taken by a local authority. In a more recent licensing case, R (Hope & Glory Public House Ltd) v City of Westminster Magistrates' Court [2011] PTSR 868, para 45, Toulson LJ put the matter in this way:

> "It is right in all cases that the magistrates' court should pay careful attention to the reasons given by the licensing authority for arriving at the decision under appeal, bearing in mind that Parliament has chosen to place responsibility for making such decisions on local authorities. The weight which magistrates should ultimately attach to those reasons must be a matter for their judgment in all the circumstances, taking into account the fullness and clarity of the reasons, the nature of the issues and the evidence given on the appeal."

46. These observations apply a fortiori to tribunals hearing appeals against deportation decisions. The special feature in that context is that the decision under review has involved the application of rules which have been made by the Secretary of State in the exercise of a responsibility entrusted to her by Parliament, and which Parliament has approved. It is the duty of appellate tribunals, as independent judicial bodies, to make their own assessment of the proportionality of deportation in any particular case on the basis of their own findings as to the facts and their understanding of the relevant law. But, where the Secretary of State has adopted a policy based on a general assessment of proportionality, as in the present case, they should attach considerable weight to that assessment: in particular, that a custodial sentence of four years or more represents such a serious level of offending that the public interest in the offender's deportation almost always outweighs countervailing considerations of private or family life; that great weight should generally be given to the public interest in the deportation of a foreign offender who has received a custodial sentence of more than 12 months; and that, where the circumstances do not fall within rules 399 or 399A, the public interest in the deportation of such offenders can generally be outweighed only by countervailing factors which are very compelling, as explained in paras 37-38 above."

12. Mr Toal submits those passages from the judgement of Lord Reed establish the judge made a fundamental error in his approach. The judge was entitled to have regard to the view of the respondent as expressed in the rules, but he should not have treated that to be determinative of the outcome of the appeal. He submits the judge treated the fact that the eligibility financial requirements cannot be met, as the end point.

13. Mr Toal submits that in reaching his decision, the judge was required to consider whether there are exceptional circumstances which render refusal

of entry clearance a breach of Article 8, because such refusal could result in unjustifiably harsh consequences for the appellants and their sponsor. He submits there are eight relevant factual considerations that the judge did not have any or any proper regard to:

a. The first appellant is married to the sponsor, who is a refugee and they have two young children.

b. The history of the relationship between the first appellant and the sponsor. They had become engaged to be married in 2012 and married in Cairo on 10 October 2014, having known each other for several years before.

c. The evidence was that the situation of the appellants in Sudan is dangerous and the first appellant states she remains at home with the children waiting to see what happens.

d. The third and fourth appellants are not attending school.

e. The independent social worker noted the account of the first appellant of the situation of the appellants in Sudan and the negative consequences for the family of having to stay indoors and the children not going to school. She also thought the children to be at risk of female genital mutilation because they are in Sudan without their father.

f. The independent social worker was of the opinion that the on-going circumstances under which the first appellant is operating, including the on-going separation from her husband, are likely to result in declining mental health/emotional well-being which in turn will impact her ability to act as an emotional buffer for her children.

g. The mental health of the sponsor.

h. The impact of the on-going separation upon the mental health of the sponsor

14. Mr Toal submits that the error lies in the failure to adequately address those factors and the approach adopted by the judge at paragraph [72] of his decision. The judge reached his decision on the basis that allowing the appeal would be tantamount to saying that anyone from a sufficiently dangerous country may live in the UK if married to a refugee here, rather than having proper regard to the appellants circumstances. He submits that although the judge may have referred to some of the factors identified in his decision, there is a world of difference between identifying relevant evidence on the one hand, and factoring that evidence or those considerations into account in reaching the decision. The judge did not explain what weight he attached to that evidence. The judge did not refer to paragraphs GEN.3.1 and GEN.3.2 of Appendix FM at all.

15. In reply, Mr Lawson submits that paragraph [73] of the decision, in which the judge referred to the judgment of Lord Bingham in *SSHD v AH (Sudan) & Others* [2007] UKHL that the Refugee Convention is not intended to procure a general levelling up of living standards around the world, must

be read alongside paragraph [44] of the judgement of Lord Reed in *Ali* , that the appellate authority should give appropriate weight to the reasons relied on by the Secretary of State to justify the decision under appeal. He submits that here, the judge considered the appellant's Article 8 claim at some length and the judge had regard to the factors that are relied upon by the appellants and relevant public interest considerations. The judge had regard to relevant factors such as the way in which the first appellant and sponsor married, the birth of their daughters and the way in which they have maintained contact. Mr Lawson submits the judge also had regard to the evidence of the independent social worker and the impact of the separation on the mental health of the appellant. He submits the judge carried out an overall assessment and reached a decision that was open to him.

DECISION

16. The judge began his consideration of the appeal by addressing the claim made by the respondent in her decision to refuse the first appellant's application, that documents relied upon by the first appellant in the form of Cash Receipt Vouchers from ALTRAS and Ether Services are not genuine. The judge found, on balance, that no false documents have been relied upon by the first appellant. He found, at [27], that there is ample evidence that the sponsor and first appellant remain in a relationship, noting the birth of another child of the relationship in August 2021 after the appellants spent three months with the sponsor in Halayib, a disputed area between Sudan and Egypt, in October 2020. The judge found the appellants and sponsor are a family and have a family life.

17. The judge noted, at [30], that the sponsor and appellants have never enjoyed their family life together in the UK. The judge said, at [31], that given the ages of the children and the fact that there is no option for the sponsor to live in Sudan, the interference with the family life is of such gravity so as to engage Article 8. The judge went on to address whether the interference is proportionate to the legitimate aim at paragraphs [33] to [74] of the decision. He referred to the decision of the Senior President of Tribunals in *TZ (Pakistan) and PG (India) v SSHD* [2018] EWCA Civ 1109 (*"TZ (Pakistan)"*. He noted the concession made by the appellants that they do not meet the financial requirements of the Immigration Rules. However, he considered it helpful to consider all the areas of the rules to properly assess proportionality. Having considered the evidence before the Tribunal regarding 'third-party support', the judge found, at [45], that what is being offered to the sponsor is not a credible guarantee of sustainable financial support.

18. The judge then went on to adopt a 'balance sheet approach' setting out at paragraphs [48] to [64], the factors that weigh against the appellants, including the relevant public interest considerations that are applicable in all cases as set out in s117B Nationality, Immigration and Asylum Act 2002. At paragraphs [65] to [69], the judge set out the factors that weigh in favour of the appellants. At paragraphs [70] to [74], he said:

> "70. The question for me is whether these factors outweigh the public interest factors weighing against the Appellants. I find they do not. This result is, in my view, perhaps regrettable and certainly inevitable.
>
> 71. Some may see it as regrettable because it exemplifies the Respondent placing her view of the economic interests of the UK above the private interests of a refugee and his family. The Sponsor and the First Appellant married despite the fact they could not live in the same country. They decided to have children in the same circumstances. But the children resulting from these decisions are the innocent product of them. Some people may think that such children should properly be able to live in the UK even if they will be a financial burden. The Respondent does not agree. Any dispute about this is political in nature and not for the Tribunal to resolve.
>
> 72. The result of this appeal is inevitable because to find the Respondent's decision to breach the Article 8 rights of the Appellants or Sponsor would be tantamount to saying that anyone from a sufficiently dangerous country may live in the UK if married to a refugee here. I accept the evidence of the independent social worker at page 951 of the stitched bundle that:
>
> > In my professional opinion, reunification is likely to be a positive outcome for the whole family. In my opinion it will definitely improve the mental health of both parents, and it will improve the life opportunities of the three children, allowing them to grow up in a family unit, supported by both parents.
>
> 73. Laudable as it may be to offer residence in the UK to those who could benefit from it, the right to family life is a qualified right, which in all cases must be balanced against the public interest in immigration control. Lord Bingham said in Secretary of State for the Home Department (Appellant) v AH (Sudan) and others (FC) (Respondents) [2007] UKHL 49 that the Refugee Convention is not intended to procure a general levelling up of living standards around the world. The same can be said about the European Convention on Human Rights. There are many families who would benefit from living in the UK in exactly the way that the independent social worker describes. That does not make it a breach of their Article 8 rights not to grant leave.
>
> 74. I therefore must dismiss this appeal. I think it likely this will have a negative impact on the mental health of the Appellant. I hope that the Appellant has been prepared for this by his advisors advising him of the low prospects of success of this appeal from the outset."

19. Before addressing the submissions made by Mr Toal, under s11 Tribunals, Courts and Enforcement Act 2007 an appeal from the FtT only lies on points of law. In other words, it is only if there is an error of law that the Upper Tribunal is entitled to intervene. There are some most elementary propositions that I have borne in mind:

    a. The core issue in this appeal was whether the decision to refuse the appellants' entry clearance was a justified or a disproportionate interference with the right to respect for family life. As the Court of Appeal said in *UT (Sri Lanka) v Secretary of State for the Home Department* [2019] EWCA Civ 1095, this is an issue which faces judges of the specialist immigration tribunals on a daily basis, and

the paradigm of one on which appellate courts should not "rush to find misdirections" in their decision-making.

b. The issues which the Tribunal is deciding and the basis on which the Tribunal reaches its decision may be set out directly or by inference. *R v Immigration Appeal Tribunal, ex parte Khan [1983] QB 790*

c. A judge is not required to engage with the almost endless citation of authority by the parties' representatives provided it is clear that the judge has applied the relevant legal principle to the findings made and carried out a proper analysis of the balancing exercise required.

d. It is not necessary for a judge to deal expressly with every point, but a judge must say enough to show that care has been taken and that the evidence as a whole has been properly considered. *Budhatkoki* [2014] UKUT 00041 (IAC)

e. Adequate reasons mean no more nor less than that. It is not a counsel of perfection. Still less should it provide an opportunity to undertake a qualitative assessment of the reasons to see if they are wanting, perhaps even surprising, on their merits. The purpose of the duty to give reasons, is in part, to enable the losing party to know why they have lost and to enable an appellate court or tribunal to see what the reasons for the decision are so that they can be examined in case there has been an error of approach. *MD (Turkey) v SSHD* [2017] EWCA Civ 1958

f. The UT is not entitled to find an error of law simply because it does not agree with the decision, or because the Tribunal thinks the decision could be more clearly expressed or another judge can produce a better one. Baroness Hale put it in this way in *AH (Sudan) v SSHD* at [30]:

> "Appellate courts should not rush to find such misdirection simply because they might have reached a different conclusion on the facts or expressed themselves differently."

20. The judge was satisfied that the appellants have established a family life with the sponsor and that Article 8 is plainly engaged. He found the decision to refuse the appellants leave to enter has consequences of such gravity as to engage the operation of Article 8. He accepted that the interference is in accordance with the law, and that the interference is necessary to protect the legitimate aim of immigration control and the economic well-being of the country. The issue in this appeal was whether the decision to refuse leave to enter is proportionate to the legitimate aim, which requires a fact sensitive assessment.

21. The fact that the judge here did not expressly refer to GEN.3.1 and GEN.3.2 of Appending FM of the immigration rules and did not expressly address the authorities cited in the skeleton argument that was relied upon by counsel for the appellants does not amount to an error of law.

22. When the decision of the FtT is read as a whole, it is in my judgement clear that the decision demonstrates 'the building blocks of the reasoned judicial process' in which the judge identified the issues in the appeal and considered the evidence (however briefly recited and without needing to recite every point) which bears on those issues, and giving reasons for the decision that he reached. It was uncontroversial that the appellants do not meet the requirements for leave to enter set out in the immigration rules. The judge referred to the decision of the Court of Appeal in *TZ (Pakistan).* The Court of Appeal held that compliance with the immigration rules would usually mean that there is nothing on the respondent's side of the scales to show that the refusal of the claim could be justified. At paragraphs [32] to [34], the Senior President of Tribunals confirmed that where a person meets the rules, the human rights appeal must succeed because 'considerable weight' must be given to the respondent's policy as set out in the rules. The corollary of that is that if the rules are not met, although not determinative, that is a factor which strengthens the weight to be attached to the public interest in maintaining immigration control. In *Ali*, Lord Reed emphasised that the failure to meet the requirements of the Immigration Rules is a relevant and important consideration in an Article 8 assessment because the Immigration Rules reflect the assessment of the general public interest made by the responsible minister and endorsed by Parliament.

23. I reject the submission made by Mr Toal that there are eight relevant factual considerations that the judge did not have any or any proper regard to. Taking them in the order I have set them out in paragraph [13] of this decision:

a. The judge plainly considered the family dynamics including the fact that the first appellant is married to the sponsor, who is a refugee and they have two young children. The judge said at paragraph [27] that there is ample evidence that the sponsor and first appellant remain in a relationship. At paragraph [30], the judge said that he was "*conscious that the Sponsor and Appellants have never enjoyed their family life together in the UK".* He noted, at [31] that the sponsor is unable to live in Sudan. At paragraph [51], the judge noted that the family life between the appellants and sponsor has developed when they were in different countries and when there could be no expectation of being able to live together in Sudan because the sponsor faces persecution there.

b. The judge had regard to the history of the relationship between the first appellant and the sponsor. At paragraph [51], the judge referred to the fact that first appellant and sponsor got engaged on 2012 and married on 10 October 2014 in Cairo. At paragraph [58], the judge considered the claim that the first appellant and sponsor grew up together, albeit they married after the sponsor had fled Sudan and they married after the sponsor had arrived in the UK.

c. In considering the factors that weigh in favour of the appellants' the judge noted, at [66], the first appellant's evidence that the

situation in Sudan is dangerous, following the military coup in October 2021, and the first appellant states she remains at home with the children waiting to see what happens. He noted, at [67], that the independent social worker was given a similar account and noted the negative consequences for the family.

d. At paragraph [67] the judge referred to the evidence that the third and fourth appellants are not attending school.

e. At paragraph [67], the judge referred to the report of the independent social worker and the negative consequences for the family of having to stay indoors and the children not going to school. The judge referred to the opinion of the independent social worker that she thought the children to be at risk of female genital mutilation because they are in Sudan without their father.

f. The judge also referred, at [69], to the opinion of the independent social worker that the on-going circumstances under which the first appellant is operating, including the on-going separation from her husband, are likely to result in declining mental health/emotional well-being which in turn will impact her ability to act as an emotional buffer for her children.

g. At paragraph [69] the judge noted the separation is having a negative effect on the wellbeing of the sponsor, and regarded that as a factor weighing in favour of the appellant's. The judge said the sponsor will undoubtedly feel better if the appellants come to the UK. He said that the medical records are clear that the sponsor worries about them living in the country where he experienced persecution. The lack of safety they face has a direct effect on his wellbeing. The judge accepted, at [72], the evidence of the independent social worker that reunification is likely to be a positive outcome for the whole family and will improve the mental health of both parents.

24. The reference by the judge at paragraphs [73] of his decision to the judgement of Lord Bingham in *AH (Sudan)* adds nothing to his reasons. The judge was making the observation that there are many families who would benefit from living in the UK in exactly the way that the independent social worker describes. That does not make it a breach of their Article 8 rights not to grant leave.

25. Reading the decision as a whole, I reject the claim that the judge failed to have regard to the specific facts and circumstances of this appeal and that the judge sought to treat the parties here in some generic way by reference to generalisations that might apply to others seeking to establish an Article 8 claim. I am quite satisfied that reading the decision as a whole, the judge identified factors that weigh in favour of, and against the appellants and that he took proper account of those factors in reaching his decision. The weight to be attached to the various factors and where they fall in the balancing exercise was a matter for the judge based upon his evaluation of the evidence as a whole. In the end, the judge concluded

that on the facts here, the decision to refuse entry clearance strikes a fair balance between the rights of the appellants and their sponsor, when weighed against the wider interests of society having regard to the relevant public interest considerations.

26. Judge Brannan undoubtedly applied the correct test, and I am quite satisfied it was open to him to reach the conclusion that he did for the reasons given. The assessment of such a claim is always a highly fact sensitive task. Judge Brannan was required to consider the evidence as a whole and in my judgment he plainly did so, giving adequate reasons for his decision. The requirement to give adequate reasons means no more nor less than that. It is not a counsel of perfection. The findings and conclusions reached by the judge are neither irrational nor unreasonable. An appellate court should resist the temptation to subvert the principle that they should not substitute their own analysis and discretion for that of the judge by a narrow textual analysis which enables it to claim that the Judge misdirected themselves.

27. It is always possible to say that a decision could have been better expressed, but I do not accept the submissions made by Mr Toal that the judge failed to have any or any proper regard to factors that weigh in favour of the appellants in reaching his decision. It was open to the judge to find that the factors that weigh in favour of the appellants do not outweigh the public interest factors that weigh against the appellants, and to dismiss the appeals for the reasons he gave. I am quite satisfied that the decision was one that was open to the judge on the evidence before him and the findings made.

28. It follows that I dismiss the appeal.

NOTICE OF DECISION

29. The appeal is dismissed and the decision of First-tier Tribunal Judge Brannan stands.

V. Mandalia
Upper Tribunal Judge Mandalia

Judge of the Upper Tribunal
Immigration and Asylum Chamber

21 December 2023