



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal no: DA 01611-13

THE IMMIGRATION ACTS

At Royal Courts of Justice
on 03.02.2014 & 28.04.2014

Decision signed: 08.05.2014
sent out: 12.05.2014

Before:

Upper Tribunal Judge **John FREEMAN**
Ms **VS STREET** (lay member – on 28 April)

Between:

Gillian WILSON

appellant

and

Secretary of State for the Home Department

respondent

Representation:

For the appellant: Mrs Mavelyn Vidal (working under the supervision of Duncan Lewis & Co, Harrow)

For the respondent: Mr Gregor Jack (on 3 February); Mr Steve Walker (on 28 April)

DETERMINATION & REASONS

This is an appeal, by the respondent to the original appeal, against the decision of the First-tier Tribunal (Judge Ruth Sullivan and a lay member), sitting at Kingston Crown Court on 22 November 2013, to allow a deportation appeal by a citizen of Jamaica, born there on 30 January 1976, here since 2001, and sentenced to four years' imprisonment for wounding with intent to cause grievous bodily harm on 27 March 2012.

ERROR OF LAW

2. Permission to appeal was given on two points: one concerned the first-tier panel's treatment of the appellant's son J2, born 23 September 2009. They were blamed for treating his best interests as the, rather than a primary consideration; but they expressly said at paragraph 57 that they were *a* primary consideration, and the writer saw nothing to suggest that they did not mean what they said.

3. The other ground involved the panel's approach to the public interest. Here, without citing it, they correctly set out the effect of *MF (Nigeria)* [2013] EWCA Civ 1192 at paragraph 16: "The Rules are intended to provide a complete code and in practice it will be exceptional for a case to fall outside the Rules, but within Article 8 protection". Then they alluded again to 'exceptional circumstances', in dealing with the presenting officer's submissions at paragraph 23.
4. Mr Jack blamed the panel for not noting that this appellant, having been sentenced to four years' imprisonment, fell under paragraph 398 (a) of the Rules, so that she could not in any event benefit from the routes to article 8 protection set out in paragraph 399A. However, since the panel took the view, not challenged in the Upper Tribunal, that those routes were not available to the appellant on the remaining facts of her case, the writer did not regard this as a *material* error of law, if it was one at all, since, whatever happened, the appellant needed to show some exceptional circumstances before *MF (Nigeria)* allowed her to succeed under article 8 generally.
5. It was on that need for 'exceptional circumstances' that the panel's decision is open to challenge. They seem to have realized that it existed, as shown by the points quoted at 3; but Mrs Vidal was quite unable to refer the writer to anything in their decision which showed how they regarded the requirement as satisfied on the individual facts of this case. They considered those clearly and with some care; but this was an essential point in their decision, on which they needed to explain to the losing side (the Home Office) why they had lost. In the writer's view they did not do so, and this was a material error of law, which required their decision to be re-made, though their review of the facts was to provide the basis for that.

DECISION RE-MADE

6. **History** The appellant first got together with Freddie Lobban in Jamaica in 1995: he already had two children, now about 27 and 25, and settled in this country, and she one, who remains in Jamaica. In Jamaica they had their elder son, whom I shall call J1, for short, though it seems he is just 18: he remains there, with the appellant's mother and her family. In 1998 Mr Lobban came to this country on his own, and in 1999 got married here: his then wife and their two children, now about 14 and 12, are both here as British citizens, as is Mr Lobban himself.
7. On September 2001 the appellant came here and was given 28 days' leave to enter as a visitor on arrival, Jamaican citizens not being visa nationals at that time: after that ran out, she stayed on without doing anything to regularize her stay till October 2010, when she applied for leave to remain under article 8. This application was rejected for being on the wrong form, and she applied again that December. Before the Home Office got round to taking any action on that, the appellant committed the offence which was to lead to these proceedings.
8. Meanwhile, in about 2005 Mr Lobban and his wife fell out, and he moved out to live with the appellant. Their renewed relationship led to the birth of J2 on 23 September 2009; but they were living apart at the time the appellant committed her offence. This happened on

6 May, in a room where she and J2 were living, between her and Carol Simpson, whom she described to us as “not just a very good friend, but a family friend”.

9. Something led to an argument between the appellant and Mrs Simpson, and in the course of it the appellant inflicted serious injuries to Mrs Simpson’s face with a glass, which broke. The appellant was arrested soon after, and went back to live with Mr Lobban and J2, till on 17 February 2012 she was convicted by a jury of s. 18 wounding (with intent to cause grievous bodily harm). At that point she was taken into custody, where she has remained ever since, while Mr Lobban has been looking after J2.

10. On 27 March 2012 the sentencing judge described what the appellant had done in this way, after describing how the argument had led to a struggle between her and Mrs Simpson:

During that struggle you took hold of a glass that was on the draining board ... and you hit Mrs Simpson over her eye, with that glass, which broke and cut her forehead and temple. Mrs Simpson has been left with visible scarring above her eye, but thankfully her sight was not damaged. Although you said you only struck once in self-defence, it follows from the verdict of the jury that they accepted the evidence of Mrs Simpson and ... her landlord ... that this was not simply a case of a single blow, but that you did strike Mrs Simpson deliberately a second time, with the broken base of the glass. That caused her a further 3 or 4 cm cut to the top of her head, which, as well as the other cuts, required stitches. This was a nasty attack on a woman with whom, until then, you had been good friends, and whoever started the struggle it was totally wrong of you to use the glass during the fight. Not only did you hit her with the intention of causing her some serious harm, but you used a broken glass to do so and the use of a broken glass to the head or face can cause horrendous injuries. It is very lucky that Mrs Simpson was not more seriously injured than she was.

11. The judge took into account the assessed low risk of the appellant’s re-offending, her previous good character, and her having been the sole carer for J2, though he noted that J2, then only 16 months old, had been present during this incident, and within range of breaking glass; and that he was in the care of Mr Lobban by the time of sentencing.

12. The appellant spent the custodial part of her sentence in HMP Downview, where she completed a number of courses, and got good reports, such as one from a PO Wade, who described her as “a very polite and respectful person which has resulted in achieving enhanced status. [She] works for DHL, a job reserved for only the most trusted inmates”. During this time the appellant was given notice of automatic deportation on 11 May 2012, to which she responded, and on 3 July 2013 served with the order under appeal. The appellant served the last part of her sentence in HMP Holloway, where she got another good report on 17 March this year from the supervisor of the kitchen, where she was working, and on 8 April 2014 she was transferred under immigration powers to the Yar’s Wood detention centre.

13. The current OASys report on the appellant is dated 17 April 2014: it records her describing her offence in the same way as the account the judge had pointed out was rejected by the jury; so, when it goes on to describe her as accepting full responsibility for what had happened, it does not seem that this went any further than that. The risk

assessment is low throughout, except for a 'known adult', presumably Mrs Simpson, where it is rated as high.

14. **The appellant** in her evidence confirmed her statements, the first of which had been before the panel. In it, she describes abuse she suffered from her mother, even as a grown-up person, after Mr Lobban left Jamaica. Going on to the history of their life together in this country, she explains how Mrs Simpson, who was J2's godmother, had asked if she could come to live with them, late in 2010. The appellant refused, as there was no room, which caused a rupture; so in February 2011 she let Mrs Simpson come. At first she had had the landlord's room; but, when he returned from Jamaica, she had moved in with the appellant. Not surprisingly, that had caused difficulties with Mr Lobban, who had moved out for a while, but without their relationship breaking down. The appellant then puts forward the version of the 6 May incident between her and Mrs Simpson which the judge said the jury must have rejected, though she goes on to express regret for it.
15. The appellant goes on to describe her life before and after being sent to prison. She had been bailed to Mr Lobban's house, but moved out of there in August or September. However their relationship went on, and Mr Lobban has remained a great support to her throughout; but he sometimes finds J2 tiring to deal with. She describes the accommodation available to them at her mother's in Jamaica: a house with only two rooms, where her sister and three children live too.
16. In the second statement, not dated, but clearly taken shortly before the present hearing, the appellant describes J2's changing attitude to her absence. Whereas he had previously been told simply that she was working away from home, and apparently accepted that, even when brought to see her in prison, in the last few weeks he had shown signs of particularly missing her, telling her he had kept all the toys she had given him, and asking whether, rather than when she is coming home. He had hoped she might be able to come "after work" to an uncle's party on 21 April, and had wanted to share his ice-cream with her at home. The appellant's verdict on Mr Lobban's care for him was that their relationship was good, but Mr Lobban didn't understand little children very well. J2 had also been having trouble sleeping.
17. In oral evidence the appellant described how she had met Mrs Simpson on a bus about a month after the incident, and asked if she could look at her scars: Mrs Simpson, perhaps understandably, had declined, and there had been no further contact between them since then. She declared that never in a million years would anything similar happen between them again.
18. As for J2, the appellant said she had never expected him to be in Mr Lobban's sole care in the long term. Presumably she realized, when sentenced, that he would have him for the next two years, already a long time in the life of a small child, but meant that she didn't know that she faced a longer separation till she received the notice of intention to deport in May 2012. The appellant said she had no idea where she would live in Jamaica; not in her mother's house in any event, owing to the abuse she had suffered from her mother as a child. (This was a point considered and rejected by the first-tier panel, for reasons they gave: we shall give our own view on it in our conclusions.)

19. *Cross-examined*, the appellant said she had always been in touch with her mother since she came here in 2001. She had always been beaten when young, but hadn't realized till she came to this country that this was wrong. She had phoned her mother every week or two weeks from Holloway, to re-assure J1 that all was well; but it cost money to do so from Yarl's Wood, and she hadn't yet been in touch from there. J1 had been five when she had left him with her mother: sometimes he had gone to stay with her eldest son, his half-brother [C for short] and C's father. Mr Lobban did see J1 when he went to Jamaica, but she didn't know how often. Lately there had been some trouble between J1 and a smaller boy locally, as a result of which J1 had had to spend more time away from her mother's, and those who had taken it on themselves to protect the boy; but he had not had to leave her house for good.
20. The appellant said J1 had been living with her, not her mother, when she left Jamaica for this country in 2001; but she had had no idea she would be away so long. When it was time for her to return, she had "struggled with the decision" whether to do so, or to "stay and try to achieve something for my children". This can only have referred to the time (16 October 2001) when her only period of leave in this country ran out.
21. As for the appellant's actual achievements in this country, she had worked for a time with Lambeth Mencap, including a spell with a cleaning firm with whom she had been directly employed. She agreed she had been doing part-time work in 2005, as recorded in her 2010 application form. Besides her experience helping with disabled children, she had worked in a restaurant, and been able to send some money home for J1, as had Mr Lobban.
22. There is a very good reference for her from Yvonne Pennant-Taylor, the Leisure Project Co-ordinator of Lambeth Mencap: dated 22 May 2012: as well as praising her work with the organization since 2006, and mentioning that she had gone on to complete an NVQ in Social Care "with a view to a career in this field, when possible", the letter goes on to say

Over the years we have become friends and as a result my husband and I have become Go-Parents to her son. We had the opportunity of meeting her mother and two older boys who are both charming and sensible young men; and a real credit to [the appellant].

The writer ends by calling the appellant "a truly lovely woman, trustworthy, fun loving, honest, supportive and importantly a God-fearing individual who takes her faith very seriously". There is nothing to show she was aware of the fact that the appellant was already serving a sentence of four years' imprisonment for causing grievous bodily harm with intent to the writer's co-godmother to J2. Nor did Mrs Vidal, when she referred to this letter in passing, give us any explanation of how the writer had come to have such a pleasant meeting with the appellant's mother, and two older boys, most likely to have been C and J1.

23. **Mr Lobban** in his first statement (19 August 2013) explains how he wouldn't be able to go to Jamaica with the appellant, if she were deported, because of his other families here. He says he is close to all of them, but could not take them to Jamaica "... because their mothers live in the UK and are unlikely to give me permission to take them out of

the UK”: this last can only refer to the 14 and 12-year old, not the older children in their 20s. J2 would not get proper care for his eczema in Jamaica; nor would Mr Lobban himself be able to afford the insulin he takes for his diabetes. He also suffers from glaucoma, epilepsy and chest pains. Separation he says would be devastating for all of them.

24. In his oral evidence, Mr Lobban confirmed what he had said about separation from the appellant and J2. We were anxious to know what his plans were, in the event of the appeal being dismissed: it had clearly not occurred to him that, as J2’s father, named as such on his birth certificate, he would be entitled to take proceedings to stop the appellant taking her out of this country with her. Rather reluctantly, but understandably without having been given any opportunity to face this question before, Mr Lobban said he would do that, if it came to it.
25. *Cross-examined*, Mr Lobban said he had brought his older sons to this country, but had never had the money to do so with J1, who was “there just by the help of God”, given the violent crime there was. He had last been there in about 2011, and two years before that: when he went over, he always saw J1, the appellant’s mother, and her grown-up son C, though he himself stayed with his own sister an hour’s drive away.
26. Dealing with the present situation, Mr Lobban said that, since the appellant had been in custody, he had been looking after J2, with help from his sister (in Crystal Palace, 20 minutes away) and paid carers: his other sisters, apart from the one in Jamaica, are in Birmingham and the United States. He paid someone to take J2 to school in the mornings, so he could get to work; but he didn’t work full-time, so as to be able to pick him up himself in the afternoons. His diabetes left him feeling “a bit drained”, and sometimes he was unable to put J2 through his homework: this had embarrassed him, when he heard J2 telling the appellant about it on the phone. Mr Lobban said he would find it hard to look after J2 on his own.
27. **J2’s school report** was, with one exception, the only further evidence about the family to which we were referred in the course of the hearing, or by its being marked as ‘essential reading’ in the appellant’s bundle. It is a special ‘progress report’, addressed to the appellant’s solicitors, who would have requested it in response to the directions given after the February hearing, and a very helpful piece of evidence. It is signed by both J2’s headmistress, Jane Elliott, and his nursery teacher Jo Salter. They are clearly not fully aware of the appellant’s situation, since, writing on 23 April 2014, they refer to her having been “absent for a period last term”: of course she has been in custody since 17 February 2012, well before J2 even started at school.
28. However, apart from that, J2’s teachers are the best possible people to give an independent view of his progress, and do so very clearly, referring back to past reports, as well as dealing with the present situation. In October 2013, soon after he had started, at only just four years old, he was “a confident chatty member of the class, who settled well into Nursery. He is keen to join in ...”. In February 2014, he “remains cheerful and enthusiastic ... tries out most activities ... is a steady learner who listens well and interacts well with children and staff”. As of April, his speech and language were well developed, his literacy skills in line with expectations, and his mathematics showing signs of exceeding them. He

“has a good attitude towards learning and enjoys coming to school. He is keen to please and enjoys receiving praise for his achievements ... a popular member of the class who has made friends and relates well to adults and children ... always takes part in school events ... is consistently clean, and appears well looked after. [J2’s] personal, social and emotional development meets age-related expectations.”

29. Dealing with the effects of the appellant’s absence “for a period last term”, the report goes on to say that J2 “... showed signs of distress ... was unusually tearful and sensitive ... needs a consistent, familiar environment in which he feels secure and this relies on security and consistency in his home situation also. We are concerned that [J2] remains at school and continues to progress in a safe, familiar environment”.

30. **Further evidence about J2** This came by way of witness statements from Cheryl Paine, dated 21 November 2013 and 22 April 2014. Mrs Payne describes herself as a “Keyworker of Kids Company, a charity which provides intensive support to around 18,000 children and young people in London ...”. She says she has known the appellant since early 2010, when she started getting help from Kids Company:

Before her detention, I would meet [the appellant] at least once on a weekly basis. We would talk as and when she needed it and often the conversations would be around how difficult she was finding things, emotionally and financially, especially her housing situation. Since Gillian has been in prison, our meeting[s] have been few, but ... I have discovered how difficult [the appellant’s] childhood and young adult life in Jamaica was, and how these difficulties prompted her to accept the offer to come to England to build a better life ...

31. Mrs Payne goes on to describe the appellant as “an honest and generally passive woman who clearly displays that she has [J2’s] best interests at heart. She would protect [J2] with her life, hence finding herself in this situation. The bond between mother and son is extremely strong and ... [the appellant] would never have put herself in a position that would be detrimental to [J2] and this incident has been exceedingly unfortunate for them both. She describes the appellant as hard-working and determined, and keen to do better for herself if she had an opportunity.

32. In her recent statement, Mrs Payne once more describes the appellant as “a very good and caring individual who got into a bad situation trying to protect her child”, and is nevertheless “deeply remorseful of her actions. She is humble about the incident and agrees that she ought to have reacted differently”. Mrs Payne has visited the appellant in custody about every three months, and describes her worries about J2’s future if she were removed to Jamaica, citing her own abuse at the hands of her mother.

33. **General situation in Jamaica** On this, Mrs Vidal referred us to several sources of background evidence. UNICEF on the Jamaica section of their web-site referred under ‘Education’ to high levels of enrolment of children at all stages of schooling, but relatively low educational achievements; and under ‘Protection’ to high rates of crime and violence that “significantly impact” the lives of children. Amnesty International in their report on Jamaica for 2013 to “high levels of gang-related murder and killing”, with 1087 killings having taken place on the island that year. The State Department, in the summary of their Jamaica report for 2013 refer to these and other human rights problems, including, though

not among the most serious ones, “violence against and sexual abuse of children, violence and discrimination against women”.

34. **Submissions** Both sides recognized the need for there to be ‘exceptional reasons’ before this appeal could be allowed. Mr Walker suggested that J2 could return to Jamaica with the appellant, or not: the choice was for her and Mr Lobban. He pointed out that the appellant had been prepared to leave J1 with her mother in Jamaica in 2001, when he was only five, until now, when he is 18, and referred to her poor immigration history in this country, besides the crime for which she faces deportation.
35. Mrs Vidal recognized that the exceptional reasons required could only be found in J2’s best interests. Mr Lobban wanted to help as much as he could, but lacked the energy to cope with a 4½-year old. We asked her whether help would not be available from the social services, which she acknowledged, but suggested that, with a mother available to give him love and care, J2 should not be deprived of it. Mr Lobban’s looking after him had only been intended as a temporary measure, and the appellant’s prolonged absence had been affecting him. Mr Lobban’s hesitation in dealing with our question about whether he would take legal steps, if necessary, to keep J2 in this country with him must have been the result of his being torn between his appreciation of the appellant’s motherly qualities, and of the difficulties posed by the situation in Jamaica.

CONCLUSIONS

36. **Law** There has been so much judicial discussion about cases of this kind that there is no need to do more than note (see 3 – 4) that it is now recognized, under the Rules approved by Parliament, that there is so strong a public interest in deporting those sentenced to four years’ or more imprisonment that the Rules themselves provide no route for them to be given leave to remain under article 8. There remains of course the possibility of such ‘exceptional’ or ‘compelling’ features in the case as to require a free-standing consideration of article 8. One example of this might lie, as argued here, in the best interests of any child or young person under 18 involved in the decision: as Lady Hale said in *ZH (Tanzania)* [2011] UKSC 4, their best interests are neither paramount, nor *the* primary, but *a* primary consideration.
37. **J2** J2 is the only child likely to be affected by our decision in this case: Mr Lobban’s first family are well grown-up; C and J1 are in Jamaica as things stand, and Mr Lobban has announced his intention of staying in this country to be with his second family (now 14 and 12) whatever happens. J2 has a really good school report, such as any parent of a child that age might wish for, and his progress is a great credit to Mr Lobban, who has been his main carer for the last two years and more.
38. Of course that report contains a reservation (see 29) about the “signs of distress” J2 showed, during what it describes as a period of absence on the part of the appellant during the last term. We do not doubt that this was the genuine personal observation of those in charge of him; but we have to bear in mind that they had described him, no doubt just as accurately, as bright and cheerful on both their October and February assessments. He cannot have been suffering unduly, up to that point, from his mother’s absence for the last

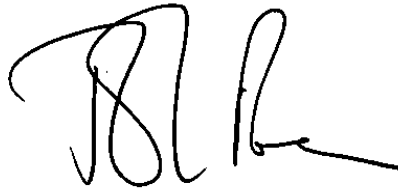
two years. The reference to children needing “a consistent, familiar environment” is of course right; not only in J2’s case, but for all children.

39. We recognize too that, as children get older and more aware of the world around them, they are likely to ask more questions, and no longer to accept without question whatever explanation they may have been given of anything unusual in their family situation. We accept that this has begun to happen with J2, and, sooner or later, if he is to remain apart from his mother, he will have to be told the real reason, with which up till now it might have been hard for him to cope. Of course that would be very difficult and upsetting for him; but he has an excellent father, and very good teachers, and no doubt some expert help would be available from the social services if he needed it.
40. On the practical level, Mr Lobban is able to get some paid help, and some from his sister not far away. His various conditions, especially perhaps his diabetes, are a worry for him, and potentially a matter of concern for us too: however, his undigested medical records before us, going only to October 2013, suggest that there is no immediate cause for such concern. However, he has done a splendid job of looking after J2, and without any official help so far. While J2 will of course be getting even more active as time goes on, he is likely also to be more rational, and less dependent on Mr Lobban, who we do not doubt would be able to cope with him for the foreseeable future, given suitable help.
41. We do not think it would be at all in J2’s best interests now to be removed from this very supportive environment, where he has been getting on so well, so as to go with his mother to Jamaica. That is not because of the claims she has made about abuse from her own mother: as the first-tier panel quite rightly pointed out at paragraph 46, not only had she told the compiler of the OASys report that she had positively enjoyed her childhood; but she had been content to leave C and J1 with her while she came to this country on what has so far turned out to be a 13 years’ absence, on the strength of nothing more than 28 days’ leave to enter on arrival.
42. There is also the unexplained reference by Mrs Pennant-Taylor (see 22) to her having met the appellant’s mother and two older boys, and the appellant’s own regular phone calls to her (19) to keep in touch with J1. We do not accept that there was any significant abuse of the appellant by her mother in the past, or any real estrangement between them now.
43. So far as the background evidence (see 33) is concerned, while Jamaica is a country with very real problems, especially by way of violent crime, and with a less than perfect educational system, it is far from being a failed state where no child would be safe, even with a family around him. While J1 has had his problems, they seem to have stemmed from his own actions, and not to have prevented his spending at least some of the time at home. If he were absent for some of the time, that would at least leave more room for the appellant and, if he went with her, J2.
44. It is precisely because of the good situation that J2 enjoys here, and not the less good, though not intolerable one which would await him in Jamaica, that we take the view that his best interests require him to stay here. On the other hand, subject to any exceptional reason to the contrary, the public interest requires the appellant to go back to Jamaica. If

he is not to go with her, then they will have to live apart, with only phone calls (as while the appellant has been in prison here) and other long-distance means of keeping in touch, till such time as Mr Lobban is able to take him there on another visit, or he is old enough to go on his own.

45. While that would be sad for both the appellant and J2, not to mention Mr Lobban himself, Mrs Vidal wisely recognized, when we put it to her, that there is now no reason in principle why a tribunal should take a different approach to separating a child of this age from his mother, from that taken in the much more common situation, where he faces being separated from his father.
46. In this case, Mr Lobban has been looking after J2 exceptionally well, with a little paid help, and some from his sister. With suitable help, he is likely to be able go on doing so for as long as necessary. While it would certainly be much nicer for J2 to have his mother, as well as his father living with him, that is not because he has the kind of day-to-day dependency on her that most children of his age do: his daily wants have been met by his father, for the last two years and more. While both Mr Lobban and the appellant may have been left in some doubt as to the need for that arrangement to be permanent at the time sentence was passed, the service of the notice of intention to deport soon after (May 2012: see 12) should have removed it.
47. We do not think there is anything against the appellant as a mother on the day-to-day level; and she is of course J2's own mother, who he ought to have with him, if that can be lawfully and properly accommodated with the public interest in her deportation. On the other hand, we do not see any reason to regard her as in any way an exceptional mother. Unlike the school report, both Mrs Payne's statements (see 30 – 32) and Mrs Pennant-Taylor's letter (22) are clearly written very much on the appellant's side. However, the latter makes no reference at all to the crime for which the appellant was already serving four years' imprisonment; and the former puts forward an explanation going beyond even the one rejected by the jury at her trial, to the effect that she was acting in defence of J2 when she committed it. That can only have come from the appellant herself: using J2 in this way does her no credit as a mother, and we do not regard her as genuinely remorseful.
48. There is certainly nothing in the appellant's own interests which we could possibly regard as so exceptional a circumstance as to allow her to stay in this country by virtue of article 8; nor was that argued before us. Though there are good reports on her from the prison and elsewhere, it is clear that there would need to be something exceptional in her personal situation to outweigh the view the sentencing judge, and we have taken of her crime, and her attitude to it.
49. We are very much more sympathetic to Mr Lobban, who has coped with a difficult situation quite admirably, and who will no doubt have more difficulties to face in future. If the appellant's deportation goes ahead, he will have to make the choice as to whether to keep J2 with him, which we see no reason why any family court should prevent; to let him go with her, which he has told us, and we believe he genuinely does not want to do; or to get further help from the authorities in this country.

50. However, we believe that Mr Lobban has J2's best interests very much at heart, and as things stand will look after them by keeping him with him. While that will be difficult for Mr Lobban, so long as it can be done while keeping J2's best interests in mind, as we are confident it can, we do not see anything so exceptional in that situation for either of them, but particularly for J2, as would justify letting the appellant stay, despite what she has done.

A handwritten signature in black ink, consisting of stylized, cursive letters that appear to be 'JLR' followed by a horizontal line.

(a judge of the Upper Tribunal)