



**Upper Tribunal  
(Immigration and Asylum Chamber)  
HU/01513/2017**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Bradford**

**On 12 October 2017**

**Decision & Reasons  
Promulgated  
On 24 November 2017**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

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

Appellant

**and**

**JOHARI GREEN**  
(ANONYMITY DIRECTION NOT MADE)

Respondent

**Representation:**

For the Appellant: Mr Diwnycz, Senior Home Office Presenting Officer  
For the Respondent: Miss Hashmi, instructed by Millan, Solicitors

**DECISION AND REASONS**

1. I shall refer to the appellant as the respondent and the respondent as the appellant (as they appeared respectively before the First-tier Tribunal). The appellant, Johari Green, was born on 14 October 1996 and is a male citizen of Jamaica. On 4 October 2016, the appellant was sentenced to two years and three months' imprisonment for conspiracy to burgle. He was released from prison on 26 July 2017. The Secretary of State decided to deport the appellant to Jamaica by a decision dated 27 October 2016. The appellant appealed against that decision to the First-tier Tribunal (Judge Doyle) which, in a decision promulgated on 10 May 2017, allowed

the appeal on Article 8 ECHR grounds. The Secretary of State now appeals, with permission, to the Upper Tribunal.

2. The grounds of appeal record that the Secretary of State agrees with the judge at [24] and [46] of the decision that the core issue in this appeal is whether there exist very significant obstacles to the appellant's integration into Jamaica. The grounds refer to a number of agencies offering assistance to those returning to Jamaica, references which were also enclosed in the Secretary of State's refusal letter. The grounds complain that the judge failed to make reference to these agencies who were likely to be able to offer the appellant support upon return to Jamaica. Further, the judge had described the appellant as "gifted charming and likable". The Secretary of State queries why such qualities would not assist the appellant in integrating into Jamaican society. The judge refers to the appellant as a "potentially vulnerable young man" but failed to give reasons for that finding. Finally, the Secretary of State asserts that the judge failed to give proper consideration to the public interest factors concerned with the appellant's removal.
3. Judge Doyle has produced a long and detailed decision. He has not referred to the various agencies which may offer support to the appellant on return to Jamaica. Details of those agencies are provided in the decision letter of the Secretary of State and include both government and non-government organisations. For example, the Public Assistance Division of the Ministry of Labour and Social Security administers "a number of non-contributory social assistance programmes. It provides financial assistance to the most vulnerable groups in the society namely children, persons with disabilities, the elderly, pregnant and lactating mothers and the unemployed". Other than the last category, it is difficult to see how the appellant might qualify for such assistance. The government in Jamaica also offers a conditional cash transfer programme (CCT) offering cash grants to the most needy and vulnerable in society. I have considered whether Judge Doyle has erred by failing to refer to these possible sources of support for the appellant in his analysis. I have concluded that he has not erred. The judge has made it clear that he has considered all the evidence; I have no reason to believe that he has not had regard to the entire contents of the decision letter. It is true the judge found that the appellant was a man of charm and potential. At [27], the judge wrote:

If the appellant is returned to Jamaica he can take his charm and his UK education with him but the real question is what could happen there to a 20 year old recently released from custody and without any familial support. I have a copy of the sentencing judge's comments. He noted, before sentencing, the appellant's positive evidence of character and comments on a life which had shown considerable promise. He also accepted the appellant is genuinely remorseful. The OasSys report tells me that the appellant presents a low risk of offending.

4. It appears to have been uppermost in the judge's reasoning that this appellant is not only a young man of previously good character before his imprisonment but an individual who was brought from Jamaica to the

United Kingdom when he was only 9 months old. He has never left the United Kingdom or at least has never been to Jamaica since he arrived. Quite properly, the judge considered that to be an important factor in the analysis. Although he does not say so in terms, it is clear the judge thought that the appellant is thoroughly British, speaking with an English accent and having the mores of a person who has spent virtually his entire life living in this country. He is not in the same position as a person who has spent his formative years in Jamaica and who might be able, with the intent of integrating into society there, to use personal experience of that society to fit in with it. Of similar significance was the fact that the appellant has no relatives living in Jamaica who might be able to assist him. Furthermore, the agencies which are referred to in the grounds of appeal would appear to assist those who are most obviously needy in Jamaican society: the disabled, the sick and those in extreme poverty. Whilst the appellant does not fit into any of those categories he would appear to be a capable young man and his complete inexperience of Jamaican society and the lack of anyone to assist him might render him vulnerable. In any event, given the circumstances, the characterisation of the appellant as vulnerable by Judge Doyle was not perverse as the grounds appear to suggest.

5. Of the seven factors contained in the Secretary of State's guidance the existence of which might indicate that significant obstacles do not exist, the appellant does not possess any. It is clear that, even by the reference to the respondent's own guidance, describing the appellant as vulnerable and likely to face very significant obstacles on return to Jamaica was not unreasonable on the facts of this case.
6. As regards the public interest concerned with the appellant's deportation, I find that the judge has properly addressed that interest. The judge refers to the appellant's "brief but focused history of offending" but records also the fact that the appellant is at low risk of reoffending. The judge also found that "the weight of reliable evidence tells me that the appellant has disassociated himself from the peers who led to his offending behaviour and that the appellant has embraced educational opportunities whilst in the young offenders' institute". I find that there is no evidence here of the judge having underplayed the public interest in his analysis. It is clear that the judge was impressed by the appellant as a witness but his analysis has remained objective and it has been guided by proper application of statute law (viz. Section 117 of the 2002 Act) and relevant jurisprudence. Ultimately, the judge has reached a conclusion which was available to him on the evidence. Nothing in the grounds of appeal lead me to consider interfering with the judge's conclusion. The appeal is dismissed.
7. Miss Hashmi made an application for costs under Rule 10(3)(d) of the Tribunal Procedure (Upper Tribunal) Rules 2008. Costs were sought on the basis that the Secretary of State had acted unreasonably in appealing the decision to the Upper Tribunal. The claim for costs is wholly without merit. The Immigration Rules provide for a losing party to apply for permission to appeal which the Secretary of State has done in this case. That

application could hardly be described as unreasonable given that permission to appeal was granted on first application by First-tier Tribunal Judge Ransley. Judge Ransley quite properly granted permission on the basis that the grounds were arguable. Upon more detailed examination in the Upper Tribunal, I have dismissed the Secretary of State's appeal but I certainly do not find that at any stage in the proceedings has the Secretary of State acted unreasonably; applying for and being granted permission to appeal, fighting that appeal and losing does not *per se* amount to unreasonable conduct.

**Notice of Decision**

This appeal is dismissed.

No anonymity direction is made.

Signed

Date 22 November 2017

Upper Tribunal Judge Lane