



**Upper Tribunal
(Immigration and Asylum Chamber)
IA/01493/2016**

Appeal Numbers:

IA/01495/2016

THE IMMIGRATION ACTS

**Heard at Field House
On 4 December 2017**

**Decision & Reasons
Promulgated
On 11 January 2018**

Before

UPPER TRIBUNAL JUDGE PERKINS

Between

LORNA SYLVIA PEDDY

First Appellant

WAYNE HOLMES

Second Appellant

(ANONYMITY DIRECTION NOT MADE)

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Mr V Omipede, instructed by Stevjeme & Co Solicitors
For the Respondent: Mr C Avery, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellants are citizens of Jamaica. They are married to each other. The first appellant was born in 1966 and has lived in the United Kingdom since July 2001. The second appellant was born in 1967 and has lived in the United Kingdom since arriving with the appellants' son in June 2008. They each entered with leave as visitors. As far as I can see, in each case they arrived with a visitor's visa valid for the customary six months and remained although they did introduce themselves to the immigration authorities in March 2010

when they applied for leave. As far as I can see the applications were unsuccessful but that is of little, if any, present relevance.

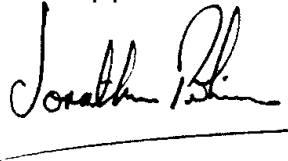
2. They each appeal a decision of the First-tier Tribunal on 3 March 2016 refusing them leave to remain on human rights grounds. The First-tier Tribunal's reasons for dismissing the appeal are essentially very straightforward. Neither of them had lived in the United Kingdom for long enough to satisfy the requirements of the Rules and neither of them satisfied the judge that there were very significant obstacles to reintegration into life in Jamaica.
3. The judge conspicuously considered the requirements of Section 117B of the Nationality, Immigration and Asylum Act 2002. She accepted that they have a good relationship with their grandchildren but not that theirs was a parental relationship. The grandchildren were in the day-to-day care of their own mother. The appellants were financially dependent on family members and friends. The judge was not dealing with an asylum claim and she did not accept that the hostility in Jamaican society towards people, such as the second appellant, who are former soldiers was such that they had a well-founded fear of serious ill-treatment. The judge did not believe he would be regarded as an "informer" in the event of return.
4. The judge acknowledged some supporting evidence, including a character reference from one Pastor Bamigbade from the Redeemed Christian Church of God. I am slightly concerned that Pastor Bamigbade describes the first appellant as a person of "good repute" without any acknowledgement of her discreditable immigration history. She may have may commendable qualities but a character reference that ignores her blatant disregard for the requirements of the immigration rules discredits itself.
5. Be that as it may, the judge clearly gave some weight to the community support but said at paragraph 27:

"I take into account the character references of the appellants' bundle, including from Pastor Bamigbade from the Redeemed Christian Church of God. In conclusion and in taking the evidence as a whole, I find the appellants built up their private life in the full knowledge that their immigration status was precarious. I find that [the first appellant] has worked unlawfully in this country. I find that little weight must be attached to a private life that was built up when an applicant was in the country unlawfully or where his immigration status was precarious. I find that any interference with their Article 8 rights will be proportionate. I find that immigration control was in the public interest."
6. I have considered the arguments before me and the Upper Tribunal's grant of permission but I really cannot see anything wrong with the decision complained of.
7. Mr Omipede particularly asked me to consider the concern the appellants expressed at the possibility of return because of the second appellant's history but I repeat this is not an appeal against the refusal of asylum and the judge has given appropriate consideration to the limited evidence before her. There was no objective evidence to elevate the expressed, subjective, fear into an objective reality.
8. It seems to be accepted that the appellants play a significant part in the life of their young grandchildren. That is not a strong reason to be allowed to remain

in the United Kingdom when theirs is not a parental relationship. There is no basis for deciding that the judge gave unlawfully little weight to the grandparental relationship.

9. In short although I have considered the points made before me I see no basis for interfering with the decision of the First-tier Tribunal which I regard as sound in law.

10. It follows therefore that I dismiss the appeal of these appellants.

A handwritten signature in black ink, appearing to read 'Jonathan Perkins', written over a horizontal line.

Signed

Jonathan Perkins, Upper Tribunal Judge

Dated: 9 January 2018