



**Upper Tribunal
(Immigration and Asylum Chamber)**

Appeal Number: AA/12718/2015

THE IMMIGRATION ACTS

**Heard at: Liverpool
On: 29th March 2017**

**Decision Promulgated
On: 12th May 2017**

Before

UPPER TRIBUNAL JUDGE BRUCE

Between

**Tahira Haidari
(no anonymity direction made)**

Appellant

And

The Secretary of State for the Home Department

Respondent

**For the Appellant: Mr Lawson, Cohesion Legal Services Centre
For the Respondent: Mr Harrison, Senior Home Office
Presenting Officer**

DETERMINATION AND REASONS

1. The Appellant is a national of Afghanistan. She was born in 1997.

Anonymity

2. This case was originally concerned with a claim for international protection and for that reason I had previously made an order for anonymity, having had regard to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 and the Presidential Guidance Note No 1 of 2013: Anonymity Orders. Those protection grounds are no longer pursued. The Appellant is not a minor and the case does not involve any medical or other personal issues such that an order for anonymity would be appropriate. The order is therefore lifted.

Background

3. The Appellant arrived in the United Kingdom as an unaccompanied minor in May 2011. She was then aged 14. She applied for asylum and this was refused, although she was granted Discretionary Leave (DL) until the 14th October 2014. Initially placed under the care of Surrey County Council she was permitted to go and live with British national Mr Asadullah Haidari, who claimed to be her father. This was despite the fact that an earlier application for family reunion entry clearance had failed for want of DNA evidence establishing that the relationship was as claimed. The Appellant continues to live with Mr Haidari today.
4. Shortly before her DL was due to expire the Appellant made an application for further leave and/or asylum. It was the refusal of that application that led to the appeal before the First-tier Tribunal which has become the subject of this challenge.
5. The First-tier Tribunal (Judge Brookfield) did not find that the Appellant would be at any risk of harm in Afghanistan. It rejected the suggestion that relatives there might force her into an unwanted marriage. It was not accepted that they would do so contrary to the wishes of her father, Mr Haidari. As to the general risks that might be faced by a young woman on her own in Afghanistan, the Tribunal found that she would not be alone, since she could turn to her paternal relatives for support, that is to say the sister and brother-in-law of Mr Haidari. She would be financially supported by Mr Haidari.
6. Turning to consider whether the Appellant should be granted a further period of DL on Article 8 grounds the Tribunal notes that the Appellant's claimed relationship with Mr Haidari remained a matter of contention. DNA evidence had been produced but this was inconclusive. An earlier appeal against the refusal of entry clearance had been dismissed on the ground that the biological relationship had not been proved. Social workers at Surrey County Council made the placement simply on the basis of unverified documents from

Afghanistan. The Tribunal did not regard itself bound by their decision. Overall the Tribunal was not satisfied that the Appellant was related as claimed to Mr Haidari. It was nonetheless prepared to accept that the Appellant had established a private life in the United Kingdom. she had lived here since 2011 and had attended school and college. Two universities had offered her a place to study law. At the date of the appeal before the First-tier Tribunal the Appellant was 19. The only potentially applicable sub-paragraph of 276ADE(1) was (vi) which required her to show that there were “very significant obstacles to her integration” in Afghanistan. For the same reasons that the asylum appeal had been dismissed, this the Appellant could not do. She spoke the language, had paternal relatives there to whom she could turn for support and could even continue with her education. As for Article 8 ‘outside of the Rules’ the Tribunal did not consider the decision disproportionate. Mr Haidari could visit her in Afghanistan if he wished, she could carry on with her education and there were no factors which outweighed the public interest in her removal.

Error of Law

7. The matter came before me on the 1st February 2017 when I was asked to determine whether the First-tier Tribunal had erred in its approach.
8. It is perhaps evident from the way that I have summarised the findings of the Tribunal (above) that there was a fundamental contradiction at the heart of the decision. The protection and private life claims failed because the Appellant’s relationship with Mr Haidari was treated as proven: as her father he could protect her from any unwanted marital advances, and together he and his family would be able to support and protect her in Afghanistan. By contrast the Article 8 claim failed because the relationship was *not* accepted. The Tribunal declined to accept that the DNA evidence established his paternity, and from there proceeded directly to consideration of Article 8 private life with no further mention of family life. The distinction is not always important, but in this appeal it was.
9. The first complaint that I find to be made out is that the Tribunal too readily dismissed the significance of the DNA report. It was not conclusive, but it didn’t have to be. In establishing precedent fact under Article 8 the Appellant had to show she shared a family life with Mr Haidari on a ‘balance of probabilities’ only. The report itself appears at annex Q of the Appellant’s bundle. It states that the test results showed one inconsistency which meant that the results were “inconclusive”. The report explains this term as follows:

“... the inconsistency we have observed is *most likely* to be

due either to a paternal mutation (in this scenario the Alleged Father would be the biological father of the child), a close relative being the biological father of the child or the individuals share an alternative blood relationship”.

[my emphasis]

The use of the term “most likely” indicates that as far as Anglia DNA were concerned, the Appellant was *more likely than not* to be the daughter, or other blood relative, of Mr Haidari. That should have been the starting point for consideration of whether she had established a ‘family life’.

10. Add to this the weight of the accumulated evidence: the conclusions of Surrey County Council, the evidence of the Appellant and Mr Haidari himself and the evidence of a supporting witness. The fact that the Appellant remained living in his household, where she continued as a young adult to be dependent upon him, was also relevant. It is difficult to see, given the unchallenged evidence of the substantive relationship, why the Tribunal’s focus fixed so intently on the biological. I accept, as did the Respondent (at the error of law hearing represented by Senior Presenting Officer Mrs Aboni), that the failure to consider whether the Appellant had a ‘family life’ was an error.
11. I am satisfied that it was a material error. Any assessment of proportionality would have to begin with an assessment of the quality and depth of the family life that the Appellant enjoys with Mr Haidari - whether as a *de facto* or actual father - and his wider family in the United Kingdom. I note that a further omission in the determination is any consideration at all of the relationships that the Appellant enjoys with the children in this family, with whom she has lived - and shared a room with - since her arrival in the United Kingdom.
12. For the reasons set out above I am satisfied - and the Respondent accepts - that this determination must be set aside in its entirety.

The Re-Made Decision

13. The parties agreed that the matter should come back before me for the decision to be re-made. I heard brief evidence from the Appellant and submissions from the parties. At the close of proceedings I indicated that I would allow the appeal on Article 8 grounds ‘outside of the rules’. In light of that indication Mr Lawson withdrew the case before me on asylum grounds and with reference to paragraph 276ADE(1)(vi). My reasons are set out below.

The Immigration Rules

14. My starting point must be the rules. Although the Appellant is now an adult, (having turned 18 in April 2015) she was 17 years old at the date that her application was made.
15. The Respondent does not appear to have given any consideration to whether the Appellant qualified for leave to remain with reference to paragraph 298 of the Immigration Rules. To be fair to the Respondent, the reason for that would appear to be the fact that such an application had not been formally made, albeit that it is raised tangentially in the letter which covered her application for further discretionary leave¹. It was of course the position at the date of that application that Mr Haidari was not accepted by the Respondent to be the Appellant's parent. In light of the findings that I make below it may be that this is a matter that the parties should revisit by way of representations and review. It appears to me that the Appellant *prima facie* met, at the date of her application, all of the requirements for indefinite leave under this provision, but I am not in a position to make a definitive finding on it: the Respondent has not had an opportunity to consider whether she did so qualify, and the papers before me do not contain all of the relevant material, such as evidence of adequate maintenance and accommodation.
16. The only rule that was considered by the Respondent was paragraph 276ADE(1), which relates to private life. At the date of the application the Appellant was 17, but could not qualify under the only limb relating to children, since she had not at that date accrued a continuous period of residence of seven years. At the date of decision she had turned 18, and the only potentially applicable limb was 276ADE(1)(vi) which required her to show that there were "very significant obstacles" to her integration in Afghanistan.
17. That is a high test, and as the decision of the First-tier Tribunal illustrates, in this case it was one tightly bound to the Appellant's protection claim. That is a matter no longer pursued before me. I therefore embark upon my consideration of Article 8 'outside of the rules' on the following basis. The Appellant's case under paragraph 298 is unproven. The Appellant's case under 276ADE(1)(vi) is no longer pursued, but the remaining scope for consideration of Article 8 'outside of the rules' is a wide one, for the simple reason that the

¹ Letter from Greater Manchester Immigration Aid Unit dated 9th October 2014 at page M10 of Appellant's bundle

exclusive focus of that rule is life in the proposed country of relocation. Article 8 requires a holistic evaluation of *all* of the Appellant's personal circumstances, which in this case centres firmly on her life in the United Kingdom.

Private and Family Life

18. The standard of proof to be applied to the question of 'family and private life' is the balance of probabilities and the burden lies on the Appellant.
19. The central matter in dispute between the parties is whether Mr Haidari is in fact the Appellant's biological father, or failing that whether their relationship is substantively one of father and daughter.
20. An assertion to that effect was first made in 2005 when the Appellant applied for entry clearance as the dependent child of a refugee. I have not been provided with any information pertaining to that application other than to be told that it was withdrawn after the Respondent requested DNA tests to be taken.
21. A second application was made on the 12th November 2009. I have not been shown a copy of the refusal notice in respect of that decision, but I am told that the ECO was not prepared to place weight on the Afghani hospital documents produced since they were not contemporaneous to birth. There was no death certificate pertaining to the Appellant's mother who was said to have died in 2002 and there was still insufficient evidence to demonstrate the claimed relationship. The Appellant appealed that decision and on the 31st August 2010 the appeal, and the linked appeal of the Appellant's brother, were dismissed by Immigration Judge Lowe. Judge Lowe noted the evidence that Mr Haidari had visited Pakistan on 4 occasions between 2005 and 2008 and had produced photographs showing him spending time with these children. That evidence was however outweighed by discrepancies in the evidence about how the hospital records had been obtained, why the original applications had been withdrawn and the negative inference drawn from the lack of DNA. It was also noted that no mention is made of Mr Haidari having children in the determination which resolved his asylum claim. Overall Judge Lowe was not satisfied that Mr Haidari was a credible witness, or that the burden of proof had been discharged.
22. What happened next was that the Appellant made her own way to the United Kingdom. She spent two months crossing Asia and Europe with the "assistance" of people traffickers and arrived here, aged (just) 14, on the 3rd May 2011. She claimed asylum. She told the Home Office that her father was Asadullah Haidari. She relied upon a

birth certificate naming him as her father, and a death certificate relating to her mother. Her representatives also commissioned and submitted the DNA test that is still relied upon today.

23. She was placed in the care of Surrey County Council. I have been shown a letter from Kelly Henry, Team Manager of the Asylum Support Team at Surrey CC dated 6th May 2011:

“Tahira’s father, Asadullah Haidari (16.08.74) presented himself at Staines Police Station at the time of referral in order to be reunited with his daughter. UKBA representatives, who were present at the police station, made us aware that applications had been previously made for Tahira to be reunited with her father but had been refused as it could not be substantiated that they were related. As such Tahira was placed in a foster care placement until further checks could be made.

Tahira and Mr Haidari continue to assert their relationship as father and daughter, and to request to be reunited. My colleague Andrew Martin and myself subsequently met with Mr Haidari today and he presented documents as proof of their relationship (passport and birth certificate). As we had no concern about their relationship we agreed for her to be released into his care at the above address”.

24. I am told by the Respondent (by both Mrs Aboni and Mrs Harrison) that the Respondent was aware of, and apparently consented to, this decision by Surrey CC social services.
25. Notwithstanding that arrangement, the Respondent was subsequently to reject the Appellant’s asylum claim, and claim to be related to Mr Haidari, on the basis that the new evidence she had supplied did not displace the findings made by Judge Lowe. The Afghani documents were afforded little weight after a Tanveer Ahmed [2002] UKIAT 00439 assessment, and the DNA results were considered to be inconclusive. Applying the principles in Devaseelan [2002] UKIAT 00702 the claim was rejected on the 21st November 2013.
26. The Appellant was still living with Mr Haidari and his family when she made her application for further discretionary leave/asylum, that is the subject of this appeal, in October 2014.
27. The matters that weigh against the relationship being proven as claimed are all set out in the 2010 determination of Judge Lowe. In essence, Mr Haidari gave “evasive” evidence in which several contradictions emerged about the family circumstances, for instance

about why the 2005 applications were withdrawn and who was caring for the Appellant and her brother. He was found to have lied about when he found out that the children's mother had died. As I mention above, the judge who determined Mr Haidari's asylum appeal makes no mention of him having children; Judge Lowe was also puzzled as to why the birth and hospital certificates had been produced in respect of this application, but not that made in 2005.

28. Those findings must be my starting point: Devaseelan (*op cit*). I am entitled to depart from them, or build upon them, in light of new evidence that was not available at the date of the hearing before Judge Lowe.

29. That evidence, first and foremost, is that of the Appellant herself. Ms Haidari appeared to me to be a thoughtful, sincere and intelligent young woman who answered the questions put to her without hesitation. I have had regard to her credible – and before me unchallenged – evidence about the following matters. She was born in Afghanistan in 1997 and in the early years of her life lived with her parents, grandmother, aunt, uncle and brother. In 2002 everything changed, because Mr Haidari – whom she refers to as her father – escaped Afghanistan to claim asylum in the UK. Shortly after he left her mother died. She remained under the care of her grandmother. The Appellant was aware that Mr Haidari had twice applied for her and her brother to join him here. In spring 2011 her step-mother's brother arranged for her and her brother to travel to the UK. The journey was long and difficult and they were separated on the way. As to her relationship with Mr Haidari the Appellant asserts that she has always known him as her father. She has always called him, and no others, *pader*. She has never considered the possibility that she might not be his daughter. Since she has lived in the United Kingdom she has lived with him, her step-mother and half-siblings. She says of Mr Haider and her step-mother: "I know they love me and they do care a lot about my safety, care about my education and care about my well-being". There was nothing in any of that which I found to be implausible or inconsistent. I am conscious that the direct voice of the Appellant is something that neither the ECO, nor Judge Lowe, nor the Secretary of State has had an opportunity to hear. I attach very significant weight to her evidence.

30. It is not contested that the Appellant has lived with Mr Haidari and his new wife, Mrs Fazila Haidari, for approximately six years. The couple have four children: [F] who is 10, [S] 8, [Y] 6 and [A] who is just 2. In addition to the Appellant's evidence, this is confirmed by Mr and Mrs Haidari in their witness statements dated 16th May 2016. Mrs Haidari writes that she married Mr Haidari in Pakistan in 2005. The Appellant attended the wedding – she can be seen in the photographs. She was about eight years old then. Since she arrived

in the United Kingdom Mrs Haidari has treated her as her own daughter:

“I love and nurture Tahira as much as I do my own children. Tahira is an amazing child. She is of excellent character. My children adore Tahira and they call her *Khoahr Jan* which in Dari language means “dear sister”. Daily we have our dinners together. My children will not eat their food until Tahira sits with them. There are times when Tahira is a little late from school and my children wait for her at the door.

The children play with Tahira daily. Tahira is a huge helping hand for me at home too as she minds the children while I am busy with housework. Tahira helps my school going children in their school work too and this saves their time going for tuition elsewhere. My daughters sleep with Tahira daily because my daughters enjoy her story telling.

Tahira is doing very well in her studies and she wants to continue her studies and achieve her ambition as a lawyer. She has been offered admission in two universities and she is very excited about this”.

31. This evidence is wholly consistent with that of the Appellant, who describes the relationships in this family as warm and loving. I note that the whole family attended each hearing and appeared to be a very close knit unit. Although I did not hear any oral evidence from Mrs Haidari, her statement was agreed by the Respondent. I am prepared to attach significant weight to it, as it accords with that of the Appellant, and indeed my own observations. She refers to photographs of the Appellant attending her wedding – these were produced before me and I accept that the young girl depicted looks very much like the young woman who appears before me today. There are a series of photographs of this event. Mr Haidari can clearly be seen as the bridegroom, with the girl who is said to be the Appellant by his side. I note that their appearance is strikingly similar in these pictures².

32. The Appellant’s bundle contains a ‘birth certificate’ issued by Ariani Hospital. Although the birth is said to have taken place on the 12th April 1997 the certificate was not issued until the 3rd October 2008. This is one reason why the certificate should be treated with caution; another is the easy availability of forged documents in Afghanistan. I bear those factors in mind. I do note however that this document appears to have been issued with reference to hospital records: I say this since it includes the Appellant’s birth weight and the name of her mother’s midwife. I agree with the Respondent that

² Particularly those at U14 and U21 of the Appellant’s bundle.

this document must be viewed in the round in accordance with *Tanveer Ahmed* principles.

33. The additional material in the bundle is as follows. There is the DNA report from Anglia DNA, discussed above in the context of the 'error of law' decision. There is a statement from a Mr Adjmal Azizi, a Dutch national of Afghani origin. Mr Azizi writes that he knew Mr Haidari in Afghanistan: they are first cousins. Mr Azizi states that he attended the wedding of Mr Haidari and the Appellant's mother, and was present in Afghanistan when the Appellant was born. He confirms that to his knowledge, she has always been regarded as the daughter of Mr Haidari. He has spent time with the family here and confirms that the children are always around the Appellant. He describes Mrs Haidari as a "lovely mother" to the Appellant. He lives in Manchester and frequently sees them at family gatherings. The bundle also contains numerous photographs of the family together.
34. I remind myself that my starting point must be the decision of Judge Lowe. Judge Lowe produced a long and detailed determination in which several reasons were given for finding Mr Haidari to be an unimpressive witness. I have not heard evidence from him myself and so that it not a matter than I can comment upon. What I have beyond his unsatisfactory evidence is this. I have the credible evidence of the Appellant herself. I have the credible evidence of Mrs Haidari. I have the supporting statement of Mr Azizi. Importantly there is the DNA report which, although 'inconclusive' as far as Anglia DNA are concerned, indicates that the "most likely" explanation for the results shown are *either* that Mr Haidari is her father (but that there is a mutation in the paternal DNA), *or* that he is another blood relative. There is the uncontested evidence that the Appellant has lived as an integral part of the Haidari family for the past 6 years, and that she enjoys a warm and close relationship with Mr Haidari's younger children. Having had regard to all of that evidence I am satisfied, in accordance with Devaseelan, that there is now sufficient evidence before me for the Appellant to have discharged the burden of proof.
35. I am satisfied, on a balance of probabilities, that Mr Haidari is the Appellant's father, and that [F], [S], [Y] and [A] are her half-siblings. The DNA evidence establishes a biological relationship, but it is the evidence of the substantive family life which leads me to my conclusion. The Appellant is integrated into this family unit in a way that she would not be if she were, for instance, a niece or cousin. I am satisfied that applications for entry clearance were twice made, and people traffickers paid for her to get here, because she is in fact Mr Haidari's daughter. It may well be that he sought to obfuscate about the family circumstances when he gave evidence before Judge Lowe, but that does not obscure the clear conclusion that on the evidence before me, he is more likely to be her father than not.

36. Even if I am wrong to so find, Mr Harrison was unable to contest the overwhelming evidence of a substantive family life. Article 8 is concerned with substance over form and there can be no question that 'family' life is what the Appellant enjoys with the Haidari family. It is true that she is now an adult, but she is a young adult who remains living at home, and is dependent upon Mr Haidari, both financially and emotionally. There being no bright line between minority and majority I am satisfied that in all of the circumstances here, this is a young woman who has not established an independent life and who remains very much part of the family as a whole. It is probably the case that today many twenty year olds in her position remains 'children' of the family, but in this family that continuity of dependency is underscored by the cultural context, in which there is an expectation that the Appellant will remain living at home until she is married. I note in this regard that it is her intention to remain at home whilst attending university.
37. I have been sent a letter by Louise Walsh, Sociology lecturer at Manchester College. This confirms that the Appellant studied there for her 'A' levels in Sociology, Governments and Politics, and English Language & Literature. The Appellant's report is appended which shows that she had 100% attendance and that her behaviour, effort and attainment were consistently ranked as "outstanding". Ms Walsh describes the Appellant as "dedicated, conscientious and bright". Similarly glowing reports are provided from the Appellant's previous school, Manchester Academy, which explain how she was awarded the 'Principle's Merit' and had her name recorded in the prestigious 'Book of Meritorious Students". A letter from UCAS confirms that the Appellant has been offered a place to study law at Manchester Metropolitan University. At the hearing she refused to be dissuaded by the protestations of both bar and bench that this is a difficult career to pursue today. She spoke eloquently and confidently about her desire to be a lawyer, and her passionate commitment to justice, in particular for women. I am satisfied that the Appellant has demonstrated that she enjoys a private life in the United Kingdom, not just through her attendance at school and college, but through the interests she has developed and her emotional investment in her future here.
38. I am satisfied that the Appellant has established a meaningful private and family life in the UK and that her removal would result in a substantial interference with it. There being no dispute that the Secretary of State for the Home Department has, as a matter of law, the power to remove persons with no legal entitlement to be here, I proceed to consider the only matter left in issue: whether it would be proportionate to remove the Appellant to Afghanistan today.

Proportionality

39. My starting point are those matters found by parliament to reflect the public interest in cases involving Article 8 ECHR, as expressed in s117B of the Nationality, Immigration and Asylum Act 2002.
40. The Appellant did not have the requisite leave to enter the country when she arrived in 2011. The maintenance of effective immigration controls are in the public interest and although she has been granted Discretionary Leave in the past, it is a matter that must weigh significantly against her that she does not qualify for leave to remain under any of the immigration rules today.
41. The Appellant, as demonstrated by her college and school records and her oral evidence before me, speaks very good English. This is not a factor that weighs in her favour, rather it is a neutral factor.
42. The Appellant is not financially independent, because by her own admission she remains entirely reliant on Mr Haidari. It is in the public interest that persons seeking leave to remain in the UK are financially self-reliant, and although she is no burden to the public purse, this is a matter that must weight against her: Rhuppiah v Secretary of State for the Home Department [2016] EWCA Civ 803.
43. The private life that she has established whilst in the United Kingdom has been developed whilst her status is precarious, and to that extent little weight can be attached to it.
44. The factors set out at s.117B of the 2002 Act are not the only matters that I must take into account. In this case the central focus must be the family life that the Appellant enjoys with her father, step-mother and minor half-siblings. There is little doubt that the Appellant herself attaches enormous weight to that family life. She is obviously very happy to be part of this household and I have no doubt that the sense of security that it brings her is greatly magnified by the fact that she and her father were for many years apart, and that she undertook a long and perilous journey to be reunited with him. The separation of father and daughter was not a matter of choice; as was subsequently accepted by both Tribunal and Respondent, Mr Haidari faced a real risk of serious harm in Afghanistan. On the findings that I have made this is a family who should have been reunited long ago. In retrospect it can be said that the refugee family reunion applications that were made, first in 2005 and then in 2009, should have been successful. Whatever the weaknesses of the evidence as it stood then, it is not of course the fault of the Appellant that they were not: she was a young child at the time and played no part whatsoever in the litigation. I have attached significant weight to the very warm and loving relationships that the Appellant enjoys with her brothers

and sisters. I accept the evidence of Mrs Haidari that they are all very close and that she is very much part of their lives. She shares a room with her sisters. I accept that the bond that these children have got with the Appellant is one that means a great deal to them, and that they would be bewildered and distressed if she were to be removed from their lives to a distant country. Although those children would of course continue to have each other and their parents, I am satisfied that it would be contrary to their best interests if the Appellant were to have to leave the UK.

45. The Appellant has now spent six years in the United Kingdom, which in the ordinary scheme of things would not be a particularly significant period of residence in which to develop a private life. I must however give some weight to the fact that for most of that period she was a child. It has been held that for a cognisant young person these formative years will attract greater weight than those spent in the UK as an infant: Azimi-Moeyed [2013] UKUT 213. I bear that guidance in mind, and find it wholly applicable in this case. It is hard to imagine that the Appellant would have been the young woman she is today if she had spent the past six years in a village in Afghanistan rather than attending school and college in Manchester. Whilst she would obviously have enjoyed the same degree of intelligence that she possesses today, I consider it unlikely that she would be the same confident young woman, advocating education and women's rights and playing an important role of responsibility within her family unit. Like anyone, her environment has played a significant role in her personal development and I attach weight to the fact that the most important aspects of her private life have been developed in this country, rather than elsewhere.

46. The weight that is to be attached to the public interest in removing persons with no leave to remain is a significant one. I am however wholly satisfied that in this case it is outweighed by the personal factors relating to the Appellant. She came to this country as a child and has grown up here. She continues to be an integral part of her father's family and looks to him for support, love and guidance. She in turn plays that role to her younger siblings. This is a matter with an unfortunate litigation history, but as I have said it is no fault of the Appellant's that she was not long ago given leave to enter as the child of a refugee. Taking all of the relevant factors into account I am satisfied that it would be disproportionate to refuse to grant her leave to remain and to remove her from the United Kingdom.

Decisions

47. The determination of the First-tier Tribunal contains errors of law such that it is set aside.

48. The decision is remade as follows:

“the appeal is allowed on human rights grounds”.

49. There is no order for anonymity.

Upper Tribunal Judge Bruce
9th May

2017