

**Upper Tribunal
(Immigration and Asylum
Chamber)** Appeal
Number: HU/12507/2015



THE IMMIGRATION ACTS

Heard at Field House

**Decision &
Promulgated**

Reasons

On 18 September 2017

On 3 October 2017

Before

DEPUTY UPPER TRIBUNAL JUDGE CHAPMAN

Between

**AKTHAR HUSSAIN
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr P. Richardson, Counsel instructed by Novells
Legal Practice

For the Respondent: Mr T. Melvin, Home Office Presenting Officer

DECISION AND REASONS

1. This appeal came before the Upper Tribunal for an error of law hearing on 5 July 2017. In a decision and reasons promulgated on 25 July 2017, which is appended, I found errors of law in the decision of First tier Tribunal Judge Oliver and adjourned the appeal for a resumed hearing.

Hearing

2. The resumed hearing came before the Upper Tribunal on 18 September 2017. The issues in dispute were whether the Appellant

met the requirements of paragraph 276ADE(vi) of the Immigration Rules and if not, whether there were compelling circumstances to justify consideration of his private life under Article 8 outside the Immigration Rules.

Evidence

3. The Appellant gave evidence and was subjected to a lengthy cross-examination by Mr Melvin. His friends, Anhar Ahmed and Joynul Hoque also gave evidence and were cross-examined. .

4. The Appellant confirmed the contents of his witness statement of 18.8.17 and his earlier statement of 2.6.15. He stated that he was taken by his father to live with the wealthier Rashid family in Dhaka at the age of 9 when he would play with the son and carry out little jobs, fetching and carrying. He had no contact with his birth family after this. He came to the UK with the Rashids when he was 12. Ali Hussain tried to trace his family for him but he does not have any details apart from their names. This was when he was around 18 years of age. Articles have been published in the Daily Uttorpurbo and the New Centuries Daily, Bangladeshi newspapers and the Appellant contacted the Bangladesh High Commission himself prior to his last appeal hearing [pages 35-39 of the appeal bundle refer]. The newspaper article dated 5 August 2017 states, in short, that the Appellant is looking for his family after 16 years and gives his name, his date of birth, the fact he is from Sylhet and his parents' names. The original letter from the High Commission was passed to Mr Melvin. This is dated 20 June 2017 and states that they are unable to verify his family details at short notice but if he provides requisite documents they may process his case and notify him accordingly.

5. In cross- examination, the Appellant stated that he has a brother and sister but he does not know how old they are as there is no custom in Bangladesh of celebrating birthdays. He said that he did not go to school and his father was a farmer. He does not know why he was singled out to go and live with the Rashid family in Dhaka. He said that he did not maintain contact with his birth family when he went to live in Dhaka as he was young at that time and did not know what means he had to contact them. He does not know why the wealthy family did not send him to school although their own son who was a few months old did attend school. He said that he would watch TV and do chores such as fetching and carrying and that he did this for 3 years.

6. The Appellant stated that he did not know why the family should obtain a false passport in his name to enable him to travel to the UK. The family told him they were going to London and took him with them. He said that he did not know why he was sent to live with someone else and that he was very young at that time. Whilst

he was living with the elderly man, to whom he referred as *sasa* or uncle in Shadwell he did not attend school but he attended evening school at a mosque where he met Anhar Ahmed. He did not have to work, he just watched TV. Sometimes if *sasa* went shopping he would take him. The Appellant said that he does not have contact with him anymore.

7. The Appellant went to live with Anhar and his family for about 2 years. He did not attend school during this time but just evening school, although Anhar went to school. The Appellant said that he would watch TV and when Anhar came home he used to play with him. He did not know why Anhar's family did not contact the authorities on his behalf. He lived with Anhar, his brother, sister and parents. He said that when he was 14 years of age he went to live in Somerset with another family because there was not enough space for him and he was sent to Weston Super Mare to live with Mr Abdul, Anhar's father's friend. Mr Abdul had not attended the Tribunal to support his case because he has gone abroad. The Appellant confirmed that he lived with Mr Abdul for 6 years, during which time he played football and went to different clubs such as pool and badminton. He said that Mr Abdul tried to send him to school but was unable to because he had no legal documents so he was unsuccessful. Neither he nor Mr Abdul were able to trace his family because he did not have the details so could not trace them. The Appellant stated that Mr Abdul financially supported him because he was a child and had some sympathy for him. Mr Abdul worked in a restaurant but the Appellant said he did not work in the restaurant but just watched them work.

8. The Appellant confirmed that Mr Abdul went abroad at the end of 2010 and thereafter he lived with Saeed Ahmed in Weston super Mare who had a flat in Taunton and he did not pay rent. He said that Saeed Ahmed was not attending the Tribunal to give evidence. The Appellant said he was financially supported by Anhar's father, amongst others. When challenged by Mr Melvin as to his length of residence, the Appellant maintained that he resided in the UK continuously since 2002. When asked how he had been able to produce a birth certificate dated 2005, the Appellant stated that he was not sure and that it was Mr Abdul who got it to enrol him in a school but he is not sure how he got it as he told the Appellant that he had been unable to get in contact with his family

9. The Appellant stated that he has never learned to write in Bengali or Sylheti although he speaks the Sylheti dialect of Bengali. The Appellant denied working in Indian and Bengali restaurants in the UK and said that he had seen what they do and how they work. Mr Melvin asked for details of the job offers contained in the Appellant's bundle and he said that they were people that he knew: "Play Castle" is a playground and "Show Spice" is an Indian takeaway in

Taunton. The Appellant maintained, when asked why such companies would offer him a job, that it could be possible they need staff and that they would give him a job if he had permission to work. When asked why they would give someone with no experience a job at a restaurant, the Appellant stated that he had seen people work; that he has that in his mind and learns more as he goes along. He said that he had not been interviewed by either company.

10. The Appellant confirmed that he has no family members in the United Kingdom and that none of the people he claimed to have lived with or worked for had any connection with his family in Bangladesh. When asked why it had taken him until very recently to make any attempt to use the local Sylheti newspapers to contact family members, he said that Anhar had advised him to do so and he did not know he could contact the Bangladeshi High Commission for help tracing his family. The Appellant stated that Anhar's father had contacted the newspaper on his behalf and that this had been done over the telephone through a newspaper agent and that Anhar's father had told them what to write. He said that Anhar's father was not at the Upper Tribunal to give evidence. The Appellant said that Anhar knew about contact with Bangladeshi newspapers and that he did not know how much it cost and he was not quite sure if Anhar or his father has the receipt or not.

11. In response to questions from the Upper Tribunal, the Appellant stated that it had been necessary to place a report in the newspapers in Bangladesh even though the details of his parents and his village are on his birth certificate because maybe the details on the birth certificate were not correct. It was pointed out that his parents' names are the same as on the birth certificate and the translation of the newspaper articles. The Appellant stated that maybe Mr. Abdul put in an address but when asked where he had obtained that information, the Appellant said he had provided it. The Appellant was asked if the details of the village on the birth certificate accorded with his knowledge of the village, to which he replied that he could not remember although he knows he lived in Sylhet, but he really could not say from where Mr Abdul would have obtained information as to the details as to his village. The Appellant was asked why he did not attend school or college given that the birth certificate is dated 21.11.05 and he said that Mr Abdul got this from Bangladesh and after that he could not get admission into school as they have spelled his name wrong. When it was pointed out it was the same as the name given in the newspaper advertisement and that this was irrelevant if the birth certificate was the only identity document, he said that the college and school did not accept it.

12. When asked if he was related to the wealthy family in Dhaka,

the Appellant said he was not as far as he knows. When asked if he had been treated well by them he immediately answered that he had. He was unable to give a reason as to why this family would have taken him in when he had his own family and that he was not made to work or otherwise earn his keep. Whilst his father had said they were poor there are many poor families in Bangladesh and it was unclear why he was chosen, to which the Appellant said that maybe they wanted to look after him. The Appellant also maintained that he was well treated by *sasa* to whom he was not related either.

13. There was no re-examination by Mr Richardson.

14. Anhar Ahmed gave evidence, stating that he has remained in touch with the Appellant via text and phone and has never been out of contact since 2002. He denied being related to him. He confirmed that the Appellant has had no contact with his parents during the time he has known him and that his father has had difficulty in finding anything out. When cross-examined by Mr Melvin, Mr Ahmed said he had not personally met *sasa* and he was a young age at that time. He said that he had got to know the Appellant through evening school. He said that neither his father nor anyone else from his family had met *sasa*. Mr Ahmed was unable to provide a coherent answer to Mr Melvin's question as to why his father would take in a young boy aged 12 if he had not met the people the young boy was living with, except to say that it was because of the situation the Appellant was in as he was helpless and had no-one.

15. When asked why his father did not go to the local authorities, Mr Ahmed said that he simply did not think of this or that it was the right thing to do. He thought that his father had come to the UK in maybe the late 1980's. Mr Ahmed was unable to say whether his father thought that depriving the Appellant of education in the UK was a good thing or why he had not contacted the local authorities to have the Appellant placed in care so that he could have attended school whilst his immigration status was being resolved. When asked by Mr Melvin why his father had not attended the Upper Tribunal to give evidence, Mr Ahmed said that he is not well and does not travel much and that he is a private religious tutor.

16. When asked why the Appellant was sent to Somerset to live after two years, Mr Ahmed said that they i.e. his parents and three children plus the Appellant lived in a two bed flat so his father made arrangements because it was overcrowded. The witness said that it was difficult for him to accept that the Appellant had to go away because he was used to seeing him every day. However, it did not cross his mind to ask or question the decision to send him to Mr Abdul. The witness said that the Appellant had been living continuously with them again since 2015. He said that his father does not know the Appellant's family in Bangladesh.

17. Mr Ahmed was unable to shed any light on his father's decision to place the articles in Bangladeshi newspapers and he had not asked him how much he paid and had not spoken to his cousin in Bangladesh who had helped organise for this to be done. Mr Ahmed did not know anything about obtaining the Appellant's birth certificate nor whether his father had seen it. The witness denied that the Appellant had worked whilst in the United Kingdom and that he had been mainly financially supported by him and his father. The witness said that he had never met Mr Abdul and did not know anything about him. When the Appellant moved to live with a friend in Taunton, Somerset he would give him money in the form of cash in hand when he visited him there, but he had only been working for the last 3-4 years so the main support was coming from his father. There was no re-examination of the witness.

18. Joynul Hoque then gave evidence and confirmed that the contents of his statement of 21.2.17 were true. His attention was drawn to a photograph at page 143 of the Appellant's bundle which the witness identified as the Appellant with the witness' twin daughters who were 6 months old at that time and it was taken in his house in London. He said that his daughters are now 15 coming up 16. The witness said that he knew the Appellant when he was in London and since he returned but lost contact with him in the middle.

19. In cross-examination, the witness said he could not remember how many years passed without seeing the Appellant but if he visited London he would have seen him. He knew that the Appellant had been living out of London in Weston super Mare then after that in Somerset and then he came back to London. He had not been involved in any way in attempts to contact the Appellant's parents in Bangladesh but he knew that Mr Ali Hussain made attempts to contact the family because they had spoken about it and he was concerned about the Appellant. There was no re-examination of the witness.

Submissions

20. Mr Melvin sought to rely on his written submissions of 8.9.17. He submitted that the credibility of all the witnesses had been damaged by their evidence. He submitted that the Appellant has been doing everything in his power to show that he is not in contact with family members in Bangladesh who thus would not be able to assist in his return to that country. He submitted that the Appellant has been vague in the extreme in failing to remember events that occurred in Bangladesh before coming to the UK and events that occurred until he attained his majority in the UK and that it was only some years after his 18th birthday that he made an attempt to

regularize his status here.

21. Mr Melvin asked that I find that it is clear that the family in Bangladesh had facilitated his move to the UK and were funding him whilst here and that I should not accept that the persons concerned *viz Sasa*, Mr Ali Hussain or Mr Abdul from the kindness of their hearts and not bringing him to the attention of the UK authorities would pay for his upkeep, allegedly for many years. Mr Melvin submitted that there was no evidence about or from the individuals with whom the Appellant was supposed to have lived for most of his residence in the UK. In respect of the newspaper articles, the son of Mr Ali Hussain was asked some questions about these but was unable to shed any light on why, how or who paid other than that his father was involved in the placing of these articles. He submitted that I should attach no weight to the letter from the Bangladesh High Commission in response to a request from the Appellant, given that there is no letter to the High Commission nor what details they received as to the Appellant and his family members.

22. Mr Melvin stated that a birth certificate had been issued in 2005 and somehow brought or sent to the UK, yet there was little or no explanation of how this appeared or who obtained it, although the witnesses did appear to be aware of its existence. Mr Melvin submitted that it is clear that those in the UK who kept the Appellant from the authorities until 2009 were acting on behalf of the family in order to facilitate his status in the UK.

23. Mr Melvin further submitted that there were no circumstances that show that the Appellant would not be able to return to Bangladesh and make a life for himself there. He can speak the local language, he has worked in restaurants and would be able to support himself should he be required to return to Bangladesh. The Respondent did not accept he has lost all ties with Bangladesh. The Appellant's stay in the UK has been facilitated by the Bangladeshi community with Mr Ali Hussain the instigator of this but without him presenting as a witness or being cross examined and he submitted that there is insufficient evidence to show that all ties to Bangladesh have been lost. He submitted that it is clear that the Appellant is aware of the cultural aspects of society and would be able to return there.

24. In respect of the length of time spent by the Appellant in the UK, Mr Melvin submitted that this should be qualified by the fact that there are serious gaps in the history of actual evidence of being in the UK and it was not accepted by the Respondent that he has been in the UK continuously since 2002. Mr Melvin submitted that there is some evidence of arrival and that the Appellant has spent a considerable length of time in the UK but he did not accept the Appellant has remained here under the radar for the considerable

length of time claimed. In respect of consideration of Article 8 outside the Rules, Mr Melvin submitted that there were no compelling circumstances. With regard to section 117B of the NIAA 2002 the Appellant gave evidence through a Sylheti interpreter and it is clear he is not financially independent. He submitted that the Respondent's decision to refuse leave in respect of Article 8 was proportionate in the circumstances of this particular case.

25. In his submissions, Mr Richardson drew my attention to evidence in support of the continuity of the Appellant's residence, in addition to the photographs at 59 onwards of the Appellant's bundle, which comprised evidence including attendance at the evening school, a library document from Weston super Mare; various documents on the electoral register for 2009; various train tickets and receipts spanning the years in issue; mobile phone documents and utility bills. Mr Richardson submitted that a combination of this evidence and the photos tends to suggest continuity of residence. He also made the point that it seems rather unlikely that, having got into the UK, the Appellant would come and go, whatever his background. He submitted that on balance of probabilities the Appellant has remained since 2002.

26. Mr Richardson submitted that, if the Appellant has been here continuously, the other real issue in the appeal is whether he is still in contact with his family and that it is plain if he has been here since 2002 he will have developed significant ties in the UK. As far as contact with his family is concerned, he was sent to live with another family and brought to the UK and it is perfectly reasonable why he does not understand why this decision was made. Mr Richardson submitted that people are taken from one country to another for sometimes sinister reasons but this is not the case here, where people have clubbed together to help somebody. It does not follow that he was sent over to the UK by one group of family members to another.

27. In respect of his birth certificate, the Appellant does not know much about it but it is possible this is a genuine document and obtained on his behalf. The Appellant does not know so cannot advance it as a firm proposition. Mr Richardson submitted that people purport to act in the best interests of a minor and it was notable in respect of the library ticket that whilst the Appellant was about 17 he was reading children's books and was not getting the education he should have, but it may be that the community members believed they were acting in his best interests. In respect of the newspaper articles, Mr Richardson submitted that when the Appellant and his *de facto* family saw what the First tier Tribunal had said about a lack of evidence they sought to obtain it, but this does not mean that attempts have not been made genuinely in the past and it would be surprising if they had not.

28. Mr Richardson submitted that someone living under the radar is not going to get a perfect chronology and there will be gaps. He submitted that the evidence as a whole shows an absence of ties with Bangladesh. The Appellant has lived in the UK for such a long time and has such distant recollection of his country that there would be serious obstacles to his reintegration. He has not lived there independently either as an adult or a child. It could cause significant hardship so that real obstacles can be identified. The Appellant's lack of education would impinge on his ability to cope with life on return. The fact that he has no literacy in Sylheti would present real obstacles to integration. He does not have family or a circle of friends there and would be returning as a virtual stranger thus the test in the Rules is satisfied.

29. In the alternative, Mr Richardson submitted that there are factors to be considered outside the Rules and that the Appellant first applied to regularise his stay in 2009 but no final decision was taken until October 2015 which amounted to substantial delay on the part of the Respondent. The Appellant has established a life in the UK including a pseudo family life and he would not be able to replicate this if he left. He submitted that little weight should be attached to the public interest in the case of a person who has been in the UK since the age of 12. Mr Richardson concluded by submitting that there are significant obstacles to reintegration and additional factors which mean that the Appellant can succeed outside the Rules.

My findings

30. I make the following findings of fact in light of the oral and documentary evidence and the submissions made by both parties:

30.1. In light of the evidence at page 134 that the Appellant registered with a GP's surgery on 19 December 2004 and the evidence of Anhar Ahmed that the Appellant lived with him and his family from the end of 2002 to the end of 2004, I accept on the balance of probabilities that the Appellant arrived in the United Kingdom on 15 September 2002 and I accept that he was, at that time, approximately 12 years of age, based on the birth certificate which gives him a date of birth of 28 November 1989. Thus I find that the Appellant is now 27 years old and I find that he has lived continuously in the UK for 15 years.

30.2. In respect of the Immigration Rules, the only applicable Rule is paragraph 276ADE(vi) ie. that he is aged 18 years or above, has lived continuously in the UK for less than 20 years (discounting any period of imprisonment) but there would be very significant obstacles to his integration into the country to which he would have

to go if required to leave the UK. There is no definition of “significant obstacles” within the Rules but paragraph 8.2.3.4 of Appendix FM 1.0 Family Life (as a Partner or Parent) and Private Life: 10-Year Routes August 2015 provides guidance to assessing whether there would be very significant obstacles to integration, which I summarise as follows:

(i) the starting point is to assume that the applicant will be able to integrate into their country of return, unless they can demonstrate why that is not the case. The onus is on the applicant to show that there are very significant obstacles to that integration, not on the decision maker to show that there are not;

(ii) The decision maker should expect to see original, independent and verifiable documentary evidence of any claims made in this regard, and must place less weight on assertions which are unsubstantiated. Where it is not reasonable to expect corroborating evidence to be provided, consideration must be given to the credibility of the applicant’s claims;

(iii) A very significant obstacle to integration means something which would prevent or seriously inhibit the applicant from integrating into the country of return. Very significant obstacles will exist where the applicant demonstrates that they would be unable to establish a private life in the country of return, or where establishing a private life in the country of return would entail very serious hardship for the applicant;

(iv) The decision maker must consider all the reasons put forward by the applicant as to why there would be obstacles to their integration in the country of return. These reasons must be considered individually and cumulatively to assess whether there are very significant obstacles to integration. In considering whether there are very significant obstacles to integration, the decision maker should consider whether the applicant has the ability to form an adequate private life by the standards of the country of return – not by UK standards. The decision maker will need to consider whether the applicant will be able to establish a private life in respect of all its essential elements, even if, for example, their job, or their ability to find work, or their network of friends and relationships may be differently constituted in the country of return;

(v) The fact the applicant may find life difficult or challenging in the country of return does not mean that they have established that there would be very significant obstacles to integration there. The decision maker must consider all relevant factors in the person’s background and the conditions they are likely to face in the country of return in making their decision as to whether there are very significant obstacles to integration.

(vi) Relevant considerations include: cultural background; length of time spent in the country of return; family, friends and social network albeit an absence of family, friends or social networks in the country of return is not in itself a very significant obstacle to integration; whether the Applicant cannot speak any language spoken in the country of return; Applicant would have no employment prospects on return although this is very unlikely to be a very significant obstacle to integration;

(vii) The degree of private life an individual has established in the UK is not relevant to the consideration of whether there are very serious obstacles to integration into the country of return. However, this will be relevant to the consideration of whether, where the applicant falls for refusal under the Rules, there are exceptional circumstances which would make refusal unjustifiably harsh for the applicant.

30.3. I find that, whilst the Appellant would invariably experience difficulty in re-adjusting to life in Bangladesh, having lived in the UK for 15 years, there would not be very significant obstacles to his integration within the meaning of paragraph 276ADE(vi) of the Rules. My reasons for so finding are as follows:

(i) Whilst the Home Office guidance has not been incorporated into the Rules, in the absence of any definition it is appropriate to consider the factors set out in the guidance. It is clear that the threshold is a high one and that the onus is upon the Appellant to show very significant obstacles to his integration;

(ii) the Appellant is a Sylheti Bengali speaker and has by his own account and those of his witnesses, resided throughout his time in the UK with fellow Bangladeshis. In these circumstances I find that he has maintained familiarity not only with his language but also the culture of his country of origin. His *de facto* adoptive family have clearly maintained links with Bangladesh as is clear from the fact that a birth certificate for him was obtained in 2005 and Mr Ali Hussain arranged for newspaper articles regarding his family to be placed in the New Centuries Daily on 10 July 2017 and the Daily Uttorpurbo on 5 August 2017. Consequently, whilst he may have lost contact with his birth family, I find that as the Appellant is now an adult this is not of crucial importance and that he could reasonably expect to be assisted in re-integrating in Bangladesh by his *de facto* adoptive family;

(iii) I do not accept the evidence that the Appellant has spent time in restaurants in the United Kingdom where those with whom he lived *viz* Mr Abdul and then Abdul Saeed worked, but did not work himself. This is simply implausible, in circumstances where he had

no financial means at all and I do not accept that friends and his *de facto* adoptive family would provide all his financial support and accommodation for over 15 years. The Appellant's evidence, supported by the witness, Anhar Ahmed, is that he had to leave their household at the end of 2004 because there was insufficient accommodation in a 2 bedroom flat for a family of two parents and three children plus the Appellant. It is implausible that the family had funds to spare in order to continue to support the Appellant in respect of all his maintenance and accommodation after he had left their household;

(iv) The Appellant has never attended school in the United Kingdom (apart from classes at a madrassa attached to the mosque). He maintained that he did not work from the ages of 12 to 18 but would stay in and watch TV and in Weston super Mare he played sports. It is not plausible that this is all the Appellant did for 6 years and that the Bangladeshi community were happy to support him financially during this entire time. The Appellant expressly denied any ill-treatment or being made to work. However, it is inexplicable that a number of members of the Bangladeshi community would effectively hide the Appellant away for 6 years, without contacting social services and thus depriving him of an education. This was entirely contrary to the Appellant's best interests and simply does not make sense. My suspicion is that the Appellant was trafficked to the UK for the purposes of domestic servitude in private households and Bangladeshi run restaurants from the age of 12, but there is no evidence that this was the case in order to make a finding to that effect. For reasons best known to himself I find that the Appellant is not telling the truth as to how he came to travel to the United Kingdom and what he has been doing since his arrival. I find that his witnesses have colluded with him in this respect. I find that the Appellant has been working in the restaurant trade in order to support himself during his time in the United Kingdom and he would be able to find employment on his return to Bangladesh.

30.4. I have given careful consideration as to whether there are compelling circumstances to justify consideration of Article 8 outside the Immigration Rules. I have concluded that no such circumstances arise on the facts of this case. Whilst the Appellant has formed a *de facto* family life with his friend, Anhar Ahmed and his family, I am troubled that Mr Ali Hussein, Anhar's father, did not attend the Tribunal to give evidence on the Appellant's behalf, despite having played a pivotal role in his life, accommodating him for 2 years from the end of 2002 to the end of 2004 and again from 2015; arranging for him to live with Abdul from 2004 to 2010; providing him with constant financial support and arranging the newspaper articles in the Bangladeshi newspapers in the summer of 2017. Mr Ali Hussein has provided a letter dated 20 February 2016 [pages 163-164 of the Appellant's bundle] where he states that he considers the Appellant

to be like his own son and that the Appellant remains dependant on the family, but I am not prepared to accept, absent the opportunity to hear evidence from Mr Hussein, that the relationship the Appellant has with him and his family is based on genuine love and affection only. I make this finding in light of my finding above that Mr Hussein acted contrary to the Appellant's best interests when he was a child, in failing to inform social services that the Appellant, who was a 12 year old child, was unaccompanied in the UK and thus the Appellant lost the opportunity to obtain an education and to live a normal life in the UK. Had he been taken into care it is likely that he would have been able to regularise his immigration status. For the avoidance of doubt, I accept that the Appellant and Anhar Ahmed are genuine friends, but I find that the relationship between them forms part of the Appellant's private life and there is no evidence that the relationship is one of dependency over and above normal emotional ties such as to justify a finding that family life exists.

30.5. In light of my finding at 30.4. above, I am not required to go on to consider whether removal of the Appellant would be proportionate. For the sake of completeness, however, I find that whilst the Appellant has established a private life in the UK over the last 15 years, his removal to Bangladesh would be proportionate in light of the fact that: the entirety of the Appellant's stay in the UK has been without leave; he is a single man with no partner or child; he speaks the Sylheti dialect of Bengali as his first language and some English and has worked and thus would be in a reasonable position to find employment and support himself on his return; he could reasonably expect receive support re-integrating from members of the Bangladeshi community who have supported him in the UK; no issues as to his physical or mental health were raised which would impact on his ability to establish himself in Bangladesh. With regard to the public interest considerations set out in section 117B of the NIAA 2002, I find that there is no evidence that he speaks English fluently; he is not financially independent and his private life was established when he was in the UK unlawfully, thus little weight can be attached to it. I find that the Appellant has not in truth integrated into society in the UK as he has remained within the Bangladeshi community throughout and has been badly served by the actions of those who were acting as his *de facto* carers. Consequently, I find that the public interest is in favour of the Appellant's removal.

31. For the reasons set out above, the appeal is dismissed.

Rebecca Chapman

Deputy Upper Tribunal Judge Chapman

2 October 2017