



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

Appeal Number: IA/00359/2016

THE IMMIGRATION ACTS

**Heard at Field House
On 26 January 2018**

**Decision & Reasons Promulgated
On 22 February 2018**

Before

UPPER TRIBUNAL JUDGE McWILLIAM

Between

**A D
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr M Sadeghi, Counsel instructed by Refugee and Migrant Forum of Essex and London (RAMFEL)

For the Respondent: Ms Z Ahmad, Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant is a citizen of St Lucia and his date of birth is 21 May 1966.
2. The Appellant made an application for leave to remain which was refused by the Secretary of State on 30 November 2015. The Appellant appealed

and his appeal was dismissed by First-tier Tribunal Judge E S Aujla in a decision that was promulgated on 8 February 2017, following a hearing at Taylor House on 23 January 2017. The Appellant was granted permission by First-tier Tribunal Judge Landes on 7 September 2017. Thus, the matter came before me on 26 January 2018.

3. The error of law hearing was originally listed on 3 October 2017. It was adjourned at the request of the Appellant and re-listed on 1 December 2017. A further application for an adjournment was made by the Appellant. However, because it was received on 28 November, shortly before the hearing on 1 December the application was not considered prior to the hearing. On 1 December the matter came before Upper Tribunal Judge Zucker. On that occasion the Appellant and his partner attended the hearing without a representative from RAMFEL. The Appellant made an application for an adjournment. Judge Zucker granted this. He made directions in relation to costs. I will return to the issue of costs later in this decision.
4. The First-tier Tribunal heard evidence from the Appellant and his partner whom I shall refer to as SW. The Appellant's immigration history as recorded by the judge at the start of the decision is not challenged. He came to the UK in 2006 having been granted entry clearance as a spouse of a British citizen with valid leave until 16 January 2008. The Appellant was interviewed by Immigration Officers on 22 April 2012 when he stated that his relationship with the British citizen had broken down five days after he entered the UK. He made an application on 20 October 2010 on the basis of his relationship with another British citizen female. This application was refused on 19 November 2010 with no right of appeal. The application was reconsidered and the Appellant was granted discretionary leave on 20 May 2011 which was valid until 20 May 2014. On re-entering the UK on 22 April 2013 Immigration Officers interviewed the Appellant and it was discovered this relationship broke down on 25 January 2011 and that he had failed to notify the Home Office. His discretionary leave was cancelled. He lodged an appeal but without a fee and the appeal was rejected. He made an application on 29 September 2014 for leave to remain on the basis of his family life with SW a British citizen born on 14 April 1979. The application was refused on 20 January 2015 and the Appellant was not given a right of appeal. After reconsideration the decision was maintained on 27 October 2015. He was given a right of appeal.
5. The Appellant was represented at the hearing before the First-tier Tribunal by Mr Sadeghi of Counsel. The judge recorded at paragraph 13 that Counsel confirmed that the appeal was based solely on Article 8. Mr Sadeghi conceded at that hearing that the Appellant did not satisfy the requirements of Appendix FM. He conceded that he did not satisfy the definition of a "partner" and the Appellant's appeal to be determined outside of the Immigration Rules and the appeal was not pursued under the "parent" route. The Appellant relied on Article 8 outside of the rules.

6. The judge heard oral evidence from the Appellant and the Sponsor and he made the following findings:-

- “30. I have carefully considered the documentary evidence placed before me, the witness statements of the Appellant and the sponsor, their oral evidence and the written and oral submissions made by both representatives.
31. The only issue in this appeal is article 8. It was correctly conceded on behalf of the Appellant that he did not satisfy the requirements of the Immigration Rules in Appendix FM to the Immigration Rules. Article 8, as far as family life was concerned, was to be considered outside the Immigration Rules.
32. For the sake of completeness, I find that the Appellant did not satisfy the requirements of Appendix FM. The Appellant made his application on article 8 grounds on 29 September 2014. The Appellant claimed that he had moved in to live with the sponsor in May 2014 whereas the sponsor stated it was January 2014. There was therefore a discrepancy between the accounts. Furthermore, the letter from the Appellant’s representatives dated 27 September 2014, which accompanied the application, stated that they were not living together. I have no reason to believe that the Appellant’s representatives would have made an error. Furthermore the letter from HMRC dated 10 July 2015 addressed to the sponsor stated that she was receiving tax credits as a single mother. The sponsor, having been in receipt of benefits almost all her adult life, would be fully aware that she was required to inform both HMRC and DWP of a change in circumstances and that not to do so would be a criminal offence. I do not believe for a moment that she would commit a criminal offence by not informing them of changes, already being in the delicate position of looking after four children alone and living on benefits. I therefore do not accept any suggestion that the couple had been living together since May 2014 or for that matter July 2015. The Appellant therefore did not satisfy the requirement of being a partner for at least two years prior to the date of the application and therefore there was no need to consider any other requirements. He did not satisfy the basic requirement of Appendix FM.
33. As regards the private life claim, it was incumbent upon the Appellant to show that there would be very significant obstacles to his integration into St Lucia. For the reasons given by the Respondent in the refusal letter, I reach the same conclusion myself. The Appellant spent most of his life in St Lucia. He has only lived in the United Kingdom since 21 January 2016, a period of 11 years. He came to United Kingdom when he was 40 years old. He is fit and well. There is nothing to suggest that there would be very significant obstacles to his integration into society in St Lucia on his return. I therefore find that article 8 was not engaged in this appeal on account of private life.
39. Although the Appellant did not, in my view properly, rely on the relationship between him and the sponsor’s children for article 8

purposes, I have taken their circumstances into account in considering proportionality. I have borne in mind section 55 of Borders, Citizenship and Immigration Act 2009. The Children Are British and they are not subject to removal from the United Kingdom. The relationship between them and the Appellant is not strong in any shape or form. He is not the biological father of the children. Even if I accept the Appellant's account, he had only recently come into their lives. The children were already used to living in a single parent household with their mother. They no doubt would have some relationship with their biological father or fathers as well. I am left in no doubt that the Appellant's removal from the United Kingdom would not have any or significant impact on the sponsor's children.

40. I have considered the Appellant's family life claim outside the Immigration Rules. I find there were discrepancies between the accounts about the duration of the relationship. I find that the Appellant's credibility was already undermined in that he had previously failed to disclose to the Respondent in the course of his previous application for further leave to remain the fact that his relationship with a former partner had broken down. However, I am prepared to give the Appellant the benefit of the doubt. I find that there was at present family life between the Appellant and the sponsor although its strength was questionable.
41. I find that the Appellant's removal from the United Kingdom would not constitute interference with his family life. Firstly, having stated in examination-in-chief that she was not willing to go with the Appellant, the sponsor changed her evidence and stated in cross-examination that she would be willing to go to St Lucia with the Appellant, to maintain her family life. Furthermore, the option of returning to the United Kingdom after obtaining entry clearance as a partner was open to the Appellant. If he satisfied all the requirements of Appendix FM applicable to entry clearance as a partner, there was no reason why he should not be granted entry clearance. Any interference with his family life would be purely temporary. I therefore find that there would be no interference with his family life. Article 8 was therefore not engaged in this appeal.
42. In the event that my conclusion that article 8 was not engaged was erroneous, and the interference with the Appellant's family life would have consequences of such gravity as to engage article 8, I have considered the matter further.
45. As I have mentioned above, I am prepared to give the Appellant the benefit of the doubt. I find that he was in a relationship with the sponsor although its strength was questionable, given the Appellant's previous track record in connection with relationships. He was living with the sponsor as well as her children. They both claimed that they were living together since 2014. That is the sum total of his circumstances.
46. On the other hand, the Appellant's leave to remain in the United Kingdom came to an end on 20 April 2013. He was never granted further leave to remain. He had previously provided incorrect information to the Respondent about his previous relationship,

thereby misleading the Home Office. The sponsor accepted that she was fully aware that the Appellant had no permission to remain in the United Kingdom when she entered into the relationship with him and was equally aware that he could be removed. The Appellant established his family life with the sponsor knowing full well that he had no permission to remain in the United Kingdom and he could only remain here if he qualified under the Immigration Rules or on article 8 grounds. He established his family life when his status in the United Kingdom was illegal, as an overstayer. I take into account, as required, section 117B of the 2002 Act which requires me to give very little weight to family life established in those circumstances.

47. Having balanced the Appellant's personal circumstances against the need to uphold the requirements of Immigration Rules, I find that the Appellant's removal from the United Kingdom would be fully proportionate and would not place the United Kingdom in breach of its obligations under the 1950 convention.

The Grounds of Appeal

7. The grounds of appeal are twofold. The first ground of appeal is that the judge did not properly consider the Appellant's partner's children and their best interests (with specific reference to paragraph 39 of the decision). It was submitted at the hearing that the children's biological father died in 2009 and in support of this the Appellant relied on his death certificate. This was raised in the Appellant's witness statement and that of SW. In determining the children's best interests the judge did not have regard to the evidence; namely, the evidence of the children's biological father's death and the evidence from the children themselves in the form of letters/witness statements in the Appellant's bundle and the other "independent evidence" from the children's school confirming the role that the Appellant played in their lives.
8. The second ground of appeal is that the judge made an inconsistent assessment of the relationship between the Appellant and SW. In support of this, reference is made to paragraph 32 of the judge's decision. In light of the grant of permission, Mr Sadeghi was brief in relation to his submissions on ground 2.

Error of Law

9. In my view, the judge erred when assessing the children's best interests. He did not take into account the evidence of the Appellant and SW in respect of the children; namely, that the children's biological father was deceased and the evidence about the Appellant's relationship with them. SW in her witness statement referred to the children calling the Appellant "dad" and stated that they would be devastated should he have to return to St Lucia. It is not clear from the decision that the judge took into account the death certificate relating to an individual who is purported to be the biological father of the children. In addition, there are letters from

at least two of the children and the judge made no reference to these. The judge was entitled to attach limited weight to the above-mentioned evidence but it is not clear from his decision what he made of it. It is not clear whether he attached no weight to it or he failed to have regard to it. Whilst the judge recorded at [39] that the Appellant did not rely on his relationship with the children, considering the grounds of appeal before him, although section 117B (6) was not relied on, the Appellant did rely on his relationship with the children. Their best interests were an integral part of the proportionality assessment. I find that in relation to ground 1 the judge materially erred.

10. In my view, the other findings of the judge are lawful and sustainable. There was no coherent challenge to these in any event. There is no inconsistency in the finding of the judge relating to the Appellant and his partner's evidence about when they started to live together. I shall deal with this in more detail in due course; however, the weight to attach to the evidence and the interpretation it was a matter for the judge.
11. Ground 1 is made out. I set aside the decision to dismiss the appeal under Article 8. There was no further evidence produced by the Appellant or the Respondent and no reason raised by either party why it would not be appropriate for me to remake the decision on Article 8 grounds on the evidence that was before the First-tier Tribunal.
12. I heard submissions from both parties. Mr Sadeghi now relied on Section 117B (6) of the 2002 Act. It was also submitted by Mr Sadeghi that the Appellant could now meet the Rules under Appendix FM because he has been living with SW for two years. The thrust of Mr Sadeghi's argument was that it was in the children's best interests for the Appellant to remain in the UK because he has a genuine and subsisting parental relationship with the children. It would not be reasonable to expect the children to leave the UK. He did not make submissions in relation to very significant obstacles to integration or insurmountable obstacles to family life in the context of Appendix FM.
13. It is necessary to set out the evidence that was before the First-tier Tribunal and which is now before me. The parties gave oral evidence before the First-tier Tribunal and there is no need for me to go behind that evidence as recorded by the judge. There was no challenge to it.

The Appellant's Evidence

14. The Appellant adopted his witness statement of 23 January 2017 as his evidence- in- chief before the First-tier Tribunal. His evidence can be summarised. He came to the UK on a spousal visa in 2006 and within a month of arriving here his then wife asked him to leave indicating that she regretted marrying him. He has not spoken to her since February 2006 although they are still legally married. He would have returned to St Lucia then but did not have any money in order to buy a ticket home. He ended

up sleeping rough. He managed to make some friends with UK residents and was offered accommodation. He moved from property to property staying with friends. He was unable to obtain work and relied on the support of others. His spousal visa expired in March 2008. He was happy to return home but unable to pay for a ticket. In summer 2008 he met a British citizen, FB. He moved in with her and her children. In 2011 he applied for leave to remain on the basis of this relationship but whilst the application was pending it broke down. FB started a relationship with another man. He advised his lawyer about this but his lawyer advised him not to tell the Home Office. He was granted three years' discretionary leave on the basis of his relationship with FB. His leave was due to expire in 2014. Shortly after the breakdown of the relationship with FB he commenced another relationship with a female. He did not officially move in with her because there were restrictions on her council tenancy agreement. He helped her care for her daughter who had autism. She ended the relationship in 2013. At around the time he separated from her, he began a relationship with SW.

15. He moved in with SW in 2014 and they continue to live together. SW has four children living with her. I shall refer to SW's children as JZ (date of birth 1 April 2004), JT (date of birth 15 February 2005), JI (date of birth 6 February 2007) and JC (date of birth 11 July 2008). The Appellant's evidence is that he views all the children as "my flesh and blood and cannot imagine being separated from them". Should the Appellant be forced to return to St Lucia his children will be devastated. The children have already suffered the heartbreak of losing their father and it would be very difficult for SW to care for them as a single parent.

SW's Evidence

16. SW adopted her witness statement of 23 January 2017 as evidence-in-chief before the First-tier Tribunal Judge. Her evidence can be summarised. SW was married in 1998 to PAW. She had two children prior to this marriage. They are now adults and reside in Birmingham. The marriage broke down in 2001 and they divorced in 2003. In 2000 she met DQ and they had four children together JZ, JT, JL and JC. They are all British citizens. On 14 February 2009 DQ died from meningitis. The children were devastated as a result. She had known the Appellant prior to her husband's death.
17. In 2009 she contacted the Appellant and asked him for support as she was struggling to cope after DQ's death. The Appellant supported her and the children both mentally and emotionally. Their relationship commenced in 2014. They moved in together in 2014. The children view the Appellant as their father. They call him "dad". He helps them with their school work and is always there for them emotionally. She does not know how they would have coped following DQ's death if it were not for the Appellant. The children may be taken into care if he is forced to leave the UK. There

was some involvement of the social services following DQ's death. However, they have not had any involvement since 2013. This is solely to do with the Appellant's presence in their lives. The children have lost one parent and losing a second one would seriously traumatise them.

Supporting Evidence

18. The Appellant relied on a letter from a GP of 9 January 2015 confirming that the Appellant and the four children were living at an address and registered at the GP's surgery. There are two deed polls indicating that on 15 January 2014 the children, JI and JC, changed their respective surnames adopting the Appellant's surname. There was a letter from the Britannia Village Primary School of 8 September 2014 confirming that the four children are attending the school and they are collected from the school either by their mother or their "stepfather," AD. There is a letter of 9 January 2015 from the head of the school confirming that she has seen a utility bill dated 31 October 2014 in the name of AD as confirmation that he resides at an address which is on the school database as being the home for the family. There is a third letter of 9 October 2015 from the head who describes the Appellant as the children's step father/guardian and that he has been known to the school for two years. The head states that "I must write and highlight the importance stability and continuity is, (sic) to this family as a whole but particularly these 3 young children". The author states that the Appellant regularly collects the children from school and "I believe he contributes to a stable and positive home life". The children have written letters to support the Appellant which were before the FtT. The hearing before me was attended by the Appellant and SW.

Conclusions

19. The hearing before the First-tier Tribunal took place a year ago. It was a matter of concern that there was no further evidence before me today, particularly in the light of how the appeal was advanced in respect of SW's four children and their relationship with the Appellant. There was no independent evidence exploring the relationship and identifying the children's best interests. I do not accept that the Appellant and SW are credible witnesses. I accept that three of the children have already lost their biological father, DQ. However, there is no evidence about the family circumstances when DQ died. It is not clear whether he was living with the family. Nevertheless, I accept that his death was significant and must have had an impact on SW and the children.
20. There are documents in the Respondent's bundle produced by the Appellant in support of previous applications and this application. They significantly undermine his credibility. The Appellant's case before me was advanced on the basis that DQ was the biological father of all four children. I do not accept that DQ is JC's father. He had a different surname. I note from his birth certificate that his father is not named. It was troubling that the Appellant asserted in 2014 that he was JC's biological

father; however, this was not accepted by the Respondent who requested DNA evidence. No DNA evidence was forthcoming. Instead the Appellant's case changed paternity not having importance because the Appellant has assumed a parental role for all the children. The false assertion that the Appellant is JC's father was supported by SW. There is a letter from SW addressed "to whom it may concern" dated 12 October 2015. She stated that she has known the Appellant for eight years and they first met at a family gathering. They had a sexual encounter which resulted in a pregnancy and it is implied the birth of JC. I find that the Appellant and SW attempted to mislead the Respondent and this damages their credibility. The case was advanced before me on the basis that the Appellant's relationship with the children is akin to that of father and biological children. Whilst I accept that a step-father can have a genuine and subsisting relationship with non-biological children, the evidence before me does not establish that the Appellant does have such a relationship with SW's four children.

21. The Appellant and SW have shown that they are willing to manipulate the truth to advance the Appellant's case. In the absence of supporting independent evidence, for example from a social worker who has had the opportunity to analyse and investigate the relationship, I am not prepared, in the light of the significant credibility issues, to accept that the relationship is of the nature suggested by the Appellant and SW. I am not persuaded that the children who have already sadly lost a father (the eldest three) or the youngest, who I reasonably infer from the evidence has a father, look upon the Appellant as a father figure. In any event, I find that the Appellant has manipulated the situation. He has not assumed a proper parental role with all the onerous responsibilities that involves. I find that the Appellant has exaggerated the role he plays within the family. I attach limited weight to the letters from the children, the documents from the school and the photographic evidence. It is not clear to me from the head of school's letter how she has reached her conclusions about the Appellant's relationship with the children. Her third letter states the obvious about the importance of stability and continuity but does not state that this is what the Appellant provides to the children. I attach some weight to the evidence that two of the children have changed their names. However, I conclude that the Appellant is manipulative and the children's letters must be considered in the light of this. The Appellant and SW are not reliable or credible witnesses. The children's best interests are served by them remaining in the UK with their mother.
22. I have reached these conclusions having considered the following. There is a statement from the Appellant in the Respondent's bundle (Q) in support of a previous application in 2010. The statement refers to his relationship with FB and the support he gives and role he plays within her family, particularly towards her children and grandchildren. He described his relationship with his "grandson" (the biological grandson of FB) and his step- daughter who called him "step-daddy." He described a parental

relationship with other children of FB. In 2013 the Appellant was interviewed and a transcript of this is in the Respondent's bundle (L). During this interview the Appellant spoke of his relationship with N and his "adopted daughters" (N's children), for one of whom he was the carer. He asserted that one has taken his surname. It was asserted that these children would be "devastated" if the Appellant was not here with them in the UK. The thrust is that he has assumed a parental role for the children. Whilst I accept that there is a relationship between the Appellant and SW and between the Appellant and SW's children, the quality, stability, seriousness and permanence of the relationship has been greatly exaggerated by the witnesses. I accept that SW may have been manipulated by the Appellant which may explain, to a limited extent, why she has been prepared to assert an untruth about her child's paternity and to consent to two of the children changing their surnames. I find that the children have been manipulated by the Appellant. A parental relationship would not cease on the breakdown of the relationships with the children's respective mothers, but there is no evidence before me that the Appellant has maintained a relationship let alone a parental role for the children or grandchildren of FB or N. SW stated that there is a fear of the children being taken into care in the absence of the Appellant. This is wholly unsupported and I reject this evidence.

23. There is no reason to depart from the findings of the First-tier Tribunal in respect of the Appellant and SW living together. Their evidence was inconsistent on the issue and the judge was entitled to take that view and interpret the letter from the solicitors in the way that he did. The letter from RAMFEL of 27 September 2014 is unequivocal in stating that the Appellant and SW do not formally live together. I find that this is also a thread running through the previous relationships. There is no evidence that the Appellant has formally lived in the same household as any of the children over whom he claims to have assumed a parental role or that he has assumed any financial responsibility for them. The letters from the GP and the school are of some assistance to him; however, they, together with copies of utility bills and the letters from the school must be considered in the round. I am not satisfied that the Appellant and SW have lived together continuously for a period of two years at the date of the hearing before me. Staying with the family, but formally living elsewhere so as to avoid SW losing benefits, if that is what is happening, is not living together for the purposes of the Rules and does not in this case amount to the assumption of any parental responsibility. The Appellant cannot meet the requirements of Appendix FM. He does not have a genuine and subsisting parental relationship with the children and he has not been living with SW for 2 years. It is not necessary to consider insurmountable obstacles to family life.
24. There is no evidence before me that there would be very significant obstacles to integration. The case was not advanced on this basis before me.

25. There is family life, albeit not to the extent advanced by the Appellant. The Appellant's relationship commenced when he had no lawful leave to be here and affects the weight to attach to it in the balancing exercise. This is not a *Chikwamba* [2008] UKHL 40 case. It is not the case that the Appellant would be certain to be granted entry clearance from abroad which may reduce the public interest in some circumstances in removal. The Appellant's history is unimpressive. In these proceedings he has been prepared to manipulate the truth about a child's paternity. He was granted discretionary leave on the basis of a relationship with a woman and her children which terminated before the application was considered. He made an unsupported assertion that he was advised by his solicitor not to tell the Home Office. Whilst stability and continuity is in the children's best interests, there is no evidence that it is likely they will have this should the Appellant stay. I have attached weight to the impact of removal on SW and the children. I accept the children have a relationship with the Appellant, albeit of a more tenuous and precarious nature than that claimed by the Appellant. I reject the unsupported assertions that SW is not able to cope without the Appellant and his loss will result in the intervention of the social services. Removal is in the public interest. I have considered proportionality through the lens of section 117B of the 2002 Act. Neither the Appellant nor SW is financially independent. In the absence of a genuine and subsisting parental relationship, reasonableness is not an issue in this case. I conclude that the Appellant has failed to establish compelling circumstances to allow his appeal outside of the Immigration Rules. The balance of the scales weighs heavily in favour of removal.

26. I dismiss the appeal under Article 8.

Costs

27. A notice of the hearing on 1 December 2017 was sent to the Appellant's representative on 19 October 2017. By way of a fax sent and received on 28 November, RAMFEL made an application to adjourn the hearing. This was made so late in the day that it was not considered prior to the hearing. This matter was listed for an error of law hearing before Upper Tribunal Judge Zucker on 1 December 2017. On that day there was no representative from RAMFEL in attendance. The Appellant attended without representation. He made an application to adjourn. Judge Zucker granted the application. However, he directed RAMFEL to show cause why a wasted costs order should not be made pursuant to rule 10 (3) of the 2008.

28. Mr Sadeghi addressed me on the direction. He stated that an adjournment application was made because he was not available on 1 December. RAMFEL, a charitable organisation, had given the Tribunal Counsel's available dates and 1 December was not one of them. The advisor with conduct of the Appellant's case is grade 3 OISC accredited. He was on holiday between 8 and 20 November. He attended the office only twice

after 20 November. He attended the office on 25 November and made the application to adjourn on 27 November intending to fax it that day. However, there were problems with the fax machine and he could not fax it until 28. Resources are limited. He could not explain why there was no representative in attendance on 1 December. The advisor worked two full days and one evening after 20 November and in his absence there was no one available to manage his cases. RAMFEL's response to the direction of Judge Zucker was read to me by Mr Sadeghi. The advisor stated as follows,

“It is exceptionally difficult for an organisation of this size to manage appeals such as this when balanced against competing priorities ... following 2012 cuts to legal aid Appellants are increasingly reliant on voluntary sector organisations which inevitably do not have the same resources as private and legal aid firms. The impact of wasted costs is greater on the voluntary sector”

29. Ms Ahmad did not pursue a wasted costs order. Whilst the failure to make a timely adjournment application and to attend the hearing on 1 December was unfair to the Appellant and involved a waste of court time and judicial resources, there was no evidence that costs had been incurred by the Secretary of State as a result of any improper, unreasonable or negligent act or omission by RAMFEL (or the OISC advisor). Whilst, the response by RAMFEL raises legitimate concerns about the organisation's ability to manage cases generally, I make no order for costs.

Notice of Decision

30. The appeal is dismissed under Article 8.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed

Date 16th February 2018

Upper Tribunal Judge McWilliam