



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

Appeal Number: IA/01476/2016

THE IMMIGRATION ACTS

Heard at Field House

On 8th March 2018

Decision & Reasons

Promulgated

On 28th March 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE RENTON

Between

**TAHA AZWAI
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr D Coleman, Counsel instructed by Lee Valley Solicitors Ltd

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

DECISION AND REASONS

Introduction

1. The Appellant is a male citizen of Libya born on 20th July 1978. He last entered the United Kingdom on 22nd August 2009 when he was granted leave to enter as a student until 31st October 2012. Following an unsuccessful application for indefinite leave to remain on humanitarian grounds, on 10th April 2014 the Appellant applied again for indefinite leave to remain on long residence grounds. That application was refused for the

reasons given in a Reasons for Refusal dated 2nd March 2016. The Appellant appealed, and his appeal was heard by Judge of the First-tier Tribunal Shore (the Judge) sitting at Taylor House on 25th July 2017. He decided to allow the appeal for the reasons given in his Decision dated 4th September 2017. The Respondent sought leave to appeal that decision, and on 20th December 2017 such permission was granted.

Error of Law

2. I must first decide if the decision of the Judge contained an error on a point of law so that it should be set aside.
3. The Judge allowed the appeal because he found at paragraph 17 of the Decision that the Appellant was a credible witness and that he had a family and private life in the United Kingdom. The Judge went on to find that there were very significant obstacles to the Appellant reintegrating into Libyan society and so allowed the appeal under the provisions of paragraph 276ADE(1)(vi) of HC 395. The Judge followed the format given in **Razgar [2004] UKHL 27** and decided that the decision of the Respondent to refuse the Appellant indefinite leave to remain was not proportionate.
4. At the hearing before me, Ms Ahmed argued that the Judge had erred in law in coming to this conclusion. She argued as a narrow issue that the Judge had failed to give his reasons for his finding that the Appellant had a family and a private life in the United Kingdom. He did not state the details of the Appellant's private life, nor with whom he enjoyed a family life in the United Kingdom. However, in response to an enquiry from me, Ms Ahmed said that the Appellant's family life had not been disputed in the Notice of Decision.
5. In response, Mr Coleman submitted that there had been no such error of law. In his witness statement at paragraph 10, which the Judge had found to be credible, the Appellant gave details of his family and private life. In any event, it was accepted by the Respondent that all returnees were at risk on return to Libya and referred to the decision in **ZM (Article 15(c)) Libya CG [2017] UKUT 00263**. Therefore any error of law as argued by the Respondent was not material.
6. I find no error of law in the decision of the Judge which I therefore do not set aside. The issue before me is the narrow issue of whether the Judge erred in law by failing to give detailed reasons for his findings in respect of the Appellant's family and private life, and not to specify details thereof. I find this not to be a material error of law. The Appellant gave ample details and examples of his family and private life in the United Kingdom in his witness statement and those details were not disputed in the Notice of Decision nor at the hearing before the Judge. The Judge found the Appellant to be credible and therefore it can be safely assumed that he had good reasons for finding that the Appellant had a family and a private

life in the United Kingdom. For this reason I find no material error of law by the Judge.

Decision

The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.

I do not set aside that decision.

The appeal to the Upper Tribunal is dismissed.

Anonymity

The First-tier Tribunal did not make an order for anonymity. I was not asked to do so and indeed find no reason to do so.

Signed

Dated 26th March 2018

Deputy Upper Tribunal Judge Renton