



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

Appeal Number: HU/18505/2018

**THE IMMIGRATION ACTS**

Decision & Reasons Promulgated  
On 7 October 2020

**Before**

**UPPER TRIBUNAL JUDGE GLEESON**

**Between**

**ARCHIBALD COLE AKUMIAH  
[NO ANONYMITY ORDER]**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**DECISION AND DIRECTIONS**

1. The appellant has permission to appeal to the Upper Tribunal against the decision of the First-tier Tribunal dismissing his appeal against the respondent's decision on 28 August 2018 to maintain her deportation decision and to refuse to set it aside on human rights grounds. The appellant is a citizen of Ghana.
2. Permission to appeal was granted on the basis that the First-tier Judge's finding that the grounds of appeal arguably disclosed a material error of law in the First-tier Tribunal's decision, in particular the judge's finding that the appellant was not socially and culturally integrated in the United Kingdom 'solely on the ground that he had committed the index criminal offence'. Judge Kelly, when granting permission, considered it arguable that the grounds of appeal disclosed a material error of law for

that reason, and also because arguably the First-tier Judge's reasoning on 'very significant obstacles to integration' was inadequate.

3. During the COVID-19 pandemic, triage directions given by Upper Tribunal Judge Blum were sent to the parties. The appellant was invited to consider making further submissions, with a right of reply for the respondent should he opt to do so, and both parties were required to indicate whether a hearing was required for the material error of law issue to be decided.
4. Mr Avery for the respondent filed further submissions in which he noted that the appellant arrived in the United Kingdom aged 9 in 1999 and received indefinite leave to remain in 2000. Far from having only one criminal offence, he had 'an appalling and escalating record of criminality' from 2011 to 2017, when he was sentenced to four and a half years' imprisonment on a repeat offence of possession with intent to supply class A drugs. The appellant did not fully acknowledge his responsibility for his offending.
5. Mr Avery relied on the guidance in *Binbuga (Turkey) v Secretary of State for the Home Department* [2019] EWCA Civ 551 which held that association with pro-criminal peers and gang members did not amount to integration into the United Kingdom. The First-tier Tribunal had found that the appellant would be able to integrate on return and that there were no very compelling circumstances as required by section 117C(6) of the Nationality, Immigration and Asylum Act 2002 (as amended).
6. There was no challenge in the grounds of appeal to the First-tier Judge's finding that the appellant had no family life in the United Kingdom. Mr Avery asked the Upper Tribunal to uphold the decision of the First-tier Judge.
7. The appellant did not respond to the triage directions.
8. Having considered the material before the Upper Tribunal, I am not satisfied that the First-tier Tribunal made an error of law as identified in the grant of permission read with the grounds of appeal. There is no lack of anxious scrutiny in the First-tier Judge's 31-page decision, which is carefully and cogently reasoned and the conclusion reached by the First-tier Tribunal was unarguably open to the judge.

## Decision

9. For the foregoing reasons, my decision is as follows:

The making of the previous decision involved the making of no error on a point of law

I do not set aside the decision but order that it shall stand.

Signed [Judith AJC Gleeson](#)  
Upper Tribunal Judge Gleeson

Date: 1 October 2020