



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No.: UI-2023-001881

First-tier Tribunal No: HU/57476/2022

THE IMMIGRATION ACTS

Decision & Reasons Issued:

8th September 2023

Before

DEPUTY UPPER TRIBUNAL JUDGE MONSON

Between

JAGJIT SINGH
(ANONYMITY ORDER NOT MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Sharma, Counsel instructed by Connaught Law Ltd

For the Respondent: Mr Walker, Senior Home Office Presenting Officer

Heard at Field House on 31 August 2023

DECISION AND REASONS

1. The appellant appeals to the Upper Tribunal from the decision of First-tier Tribunal Judge Freer promulgated on 27 April 2023 (“the Decision”). By the Decision, Judge Freer dismissed the appellant’s appeal against the decision of the respondent to refuse to grant him leave to remain on private life grounds under Rules 276ADE(1)(iii) or (vi), or on alternative basis that there were exceptional and compelling circumstances which justified him being granted Article 8 relief outside the Rules.

Relevant Background

2. The appellant is an Indian national, whose date of birth is 9 April 1981. He was encountered in the UK on 2 May 2011 working illegally, and he was served with an IS151A Notice as an illegal entrant/overstay who was liable to detention and removal.
3. On 6 January 2016 the appellant applied for leave to remain on family and private life grounds. The application was rejected on 17 March 2016. On 8 November 2018 the appellant was served with a RED.0001 Notice. On 10 March 2021 the appellant made a claim for destitution which was accepted. On 17 March 2021 the appellant applied for leave to remain on family and private life grounds, asserting that he had entered the United Kingdom illegally on 1 February 2002.
4. In the refusal decision dated 5 October 2022, which was addressed to the appellant's solicitors, it was noted that he claimed to have lived in the UK for 19 years and 2 months, having claimed to have entered the UK on 1 February 2002. Therefore, he had not lived continuously in the UK for at least 20 years at the date of application so as to qualify for leave to remain under Rule 276ADE(1)(iii).
5. The Department had written to his representatives on two occasions, giving them the opportunity to provide further supporting evidence to confirm 20 years' residence to date. However, he had failed to provide evidence to cover each year from when he claimed to have entered the UK.

The Hearing Before, and the Decision of, the First-tier Tribunal

6. The appellant's appeal came before Judge Freer sitting at Hatton Cross on 24 April 2023. The hearing took place on the Cloud Video Platform. Both parties were legally represented. Mr Iqbal of Counsel appeared on behalf of the appellant, and Ms Imambaccus of Counsel appeared on behalf of the respondent.
7. The skeleton argument that had been filed by the appellant's solicitors asserted that the evidence provided by way of appeal confirmed that the appellant had been resident in the UK continuously since 2002.
8. It was acknowledged in the respondent's review that the letters of support, in which the authors said that they had known the appellant during this period, were capable of lending weight to his claim, but they needed to be considered in the round with the other evidence provided. It was submitted that the appellant had failed to evidence that he had been in the UK continuously for at least 20 years, as there were significant gaps in the evidence provided.
9. The Judge received oral evidence from the appellant and from four of the supporting witnesses who had given statements that were contained in the

supplementary bundle. All four said in their witness statements that they had first met the appellant in the UK in 2002.

10. In the Decision, the Judge referred to some of the oral evidence. In cross-examination, the appellant said that he had worked in double-glazing for many years. He only realised that he was not allowed to work here when he was stopped by immigration [in 2011]. But he had only ever worked a little.
11. Jay Shergill, a friend of the appellant, said that the appellant had lived with him from April to October 2002 at his house in Smethwick. Nareesh Kumar Sharma said that he had known the appellant for 20 years and that they met fortnightly at family functions or religious assemblies. Sandeep Singh, recalled first meeting the appellant in 1999, "*living in Smethwick*", and he recalled that their third meeting was in Southall. Jaswant Singh recalled meeting the appellant in an off-licence shop in 2002. He was sure that the appellant had stayed continuously in the UK, because he worked a six-day week.
12. In her closing submissions on behalf of the respondent, Ms Imambaccus submitted that the witness evidence was self-serving. There was no independent evidence such as bank statements. The photographs did not show a location or a consistent presence of 21 years. The witnesses did not say where the appellant was between their sightings of him.
13. In reply, Mr Iqbal acknowledged that the appellant could not show 20 years' continuous years at the date of application. But he submitted that the appellant had entered the UK "*at some time*" in 2002 and had never left. As his entry was clandestine, questions of council tax bills and bank accounts were irrelevant. The Rules did not require specified documents. It was possible to count in the credible oral evidence which was the best material that had been brought in today. The witnesses all said that they were in contact with the appellant in 2002. They were clear about the geography of the meetings. They were not vague or evasive. The black and white photographs dated 2002 and 2003 were taken in Birmingham or Southall according to the appellant.
14. The Judge's findings of fact began at para [35]. He observed that the witness evidence was helpful for the appellant, but not independent. All the witnesses belonged to his particular community. At [36], the Judge said that it was remarkable that no letters or greeting cards were ever posted to the appellant from a Gurdwara, or from any friends that he met at a Gurdwara, over a 20-year period. It was often mentioned that people met up at birthdays and weddings, which generated many greetings cards and invitations. If the appellant was illiterate in his own language, this had not been mentioned.
15. At [37], the Judge said that the appellant's evidence that he had worked very little was at odds with his friend's evidence that he worked a six-day

week. This was one of a number of inconsistencies which made him strongly doubt that the appellant was a reliable witness of truth.

16. At [38], the Judge observed that the photographic evidence was date-stamped, but there was no geotag to establish the country in which the photographs were taken.
17. At [39], the Judge said that the evidence of attendance contained in the respective letters from the Southall and Smethwick Gurdwaras appeared contradictory about his attendance over the same time-period due to the considerable geographical distance. As the signatories to the letters were not cross-examined and the information given in them was very brief, he said that he gave very little weight to either letter.
18. At paragraph [40], the Judge observed that almost nobody had referred to particulars of any specific incidents which located precisely their first meeting, in time and geography. The Judge continued:

“There are so many similar letters couched in very similar vague terms, always mentioning a particular year long ago, that it has the appearance of an organised letter-writing campaign.”
19. At [41], the Judge found that it was likely that the appellant left India with a passport which might have shown stops in his journey here in the form of border-stamps, but those pages had not been produced. It seemed that he was issued with an Indian passport in 2002 which remained valid for 10 years. Therefore, there was no reason shown why he could not leave the UK in any of the years up to 2012, and then return lawfully or unlawfully, perhaps much later and not in the same year. The Judge said that it was a poor credibility point to withhold the original document for examination in the courtroom or earlier.
20. At [42], he said that in his application form the appellant had declared a further Indian passport issued in London on 30 September 2016. He said that this passport was not available to the Court. If he had been able to examine it to check the travel evidence, he could have placed him in the UK in every year from 2016 to date. It could have supported or hurt his claim. The failure to disclose it hurt his credibility further.
21. At [43], the Judge said that the widespread unreliability of parts of the appellant’s oral evidence left him with little confidence in his self-serving attribution of two possible locations to each one of his earlier-stated photographs. He further observed that there was no reliable evidence of the appellant’s locations between the dates of the photographs.
22. At [45], the Judge said that the fact that the appellant was able to enter illegally suggested that he knew how to enter, leave and re-enter in the same manner.

23. At [46], the Judge held that he did not find it credible that the appellant only became aware of the illegality of his work when picked up by officials from Immigration Enforcement.

24. At [47], the Judge said that he had not seen any list of the appellant's addresses with dates of residence. His friends did not give much help in that respect, although there was mention of a six-month period in 2002. Nobody was able to give detailed evidence of what the appellant did in particular parts of 2003, 2004 and so on. The Judge continued:

“So, it is very possible that he did live with a friend for six months in 2002, perhaps evidenced in a picture of himself without the friend in the frame, and then went back to India for prolonged or repeated visits. I say this because I don't see how the friends would keep track of his movements in every single year over two decades unless he was sharing accommodation. He would have the funds to travel overseas, if he regularly worked for six days a week at his occupation.”

25. At [48], the Judge said that prior to the wedding date, there was little precise independent evidence of note.

26. The Judge returned to the issue of the appellant's length of residence at para [53]. He observed that the repetitive lack of almost any particular dates or independent corroboration of his location at a distant point in time was an abiding overall impression, as was the repetitive mention of a year - often 2002 or a year close to it. The mention of 1999 was a striking difference that was not corroborated by any independent evidence.

27. At para [55], the Judge concluded as follows:

“We do not know what he did beyond six or seven years ago with enough particularity, or independent evidence of weight. The appellant's single biggest mistake was not to produce each one of the physical passports he has owned. This is easily rectified, so it suggests a motive to hide something prejudicial to his account. The next mistake was not to produce any stamped envelopes addressed and then posted to him. Likewise, none of his friends produced any such envelopes from him. This is remarkable, considering all the celebrations mentioned. Finally, if he showed a real memory of him by one witness from 2002, then he also has to do that for 2003, 2004, 2005 and so on, to dispel the impression of being an occasional visitor to these shores. People who gave him accommodation ought to have some idea of when, but they did not come to court and say the details, bar one example.”

The Grounds of Appeal to the Upper Tribunal

28. The appellant's representatives settled lengthy and discursive grounds of appeal to the Upper Tribunal. Ground 1 was that the Judge had failed to give proper consideration to the photographs, statements and reference letters, etc, produced by the appellant and he had been wrong to conclude that the appellant had not established 20 years' continuous residence in

the UK. In particular, the Judge had been wrong to state that the failure to produce greeting cards and invitations added to the inconsistency. The Judge should have considered that the appellant belonged to the Sikh Community from India, and that there was no evidence that the Gurdwara posted letters to people who were attending events. Also, the respondent had not provided evidence to show that the appellant had made trips to India on the valid passport which he held from 2002 for 10 years. If this had been the case, then the evidence would have been provided by the respondent. The Judge had made findings without any evidence.

29. Ground 2 was that the Judge had not given proper consideration as to whether there were exceptional circumstances. Ground 3 was that the Judge had given insufficient weight to the ample evidence provided to support the fact that it would not be proportionate to remove the appellant from the UK.

The Reasons for the Grant of Permission to Appeal

30. On 31 May 2023 Judge Grimes granted the appellant permission to appeal on all grounds, although the Judge observed that grounds 2 and 3 were less meritorious than ground 1. Judge Grime's reasoning was as follows:

"The grounds overlap. Whilst the Judge gave consideration to the evidence before him, it is arguable, as set out in ground 1, that the Judge erred in focusing on the absence of evidence in relation to the appellant's length of residence given that it was unclear whether there was evidence that such evidence could have been reasonably obtained, or good reason for not obtaining it (*MAH (Egypt) -v- SSHD* [2023] EWCA Civ 216, 86)."

The Rule 24 Response

31. In a Rule 24 response dated 7 June 2023, Christopher Bates of the Specialist Appeals Team gave the respondent's reasons for opposing the appeal. He submitted that the Judge of the First-tier Tribunal had directed himself appropriately. It was respectfully submitted that the reference to *MAH Egypt* was misconceived given that this case addressed the impermissible need for corroboration in the context of a protection claim to which the lower standard applied. In an Article 8 case, where the balance of probabilities applied and where corroborative evidence could/should be reasonably available within the UK, the case law of *TK (Burundi) -v- SSHD* [2009] EWCA Civ 40 at [21] was more pertinent.
32. There was no material error in the Judge's assessment of the long residence claim. The Judge had correctly stated the correct burden and standard of proof. The Judge was entitled to consider the lack of truly independent evidence from third parties, and to note the inconsistent evidence between the appellant and the witness at para [37]. The so-called hostile environment did not exist throughout the appellant's claimed residence in the UK, and even absent council tax bills, evidence of

registration with a GP surgery and engagement with the GP might have assisted, as noted as paras [18] and [44]. The Judge had identified other inconsistencies at [39] and had raised valid and cogent concerns as to the reliability of the supporting letters at para [40]. There was nothing irrational in the Judge noting that the appellant had valid Indian passports but had shown an ability to illegally enter the UK nonetheless.

The Hearing in the Upper Tribunal

33. At the hearing before me to determine whether an error of law was made out, Mr Sharma (who did not appear below and was also not responsible for the grounds of appeal) submitted that the Judge had misdirected himself in his assessment of the long residence claim in two distinct respects.
34. Firstly, he had misdirected himself in his consideration of the evidence that was available on this issue; and, secondly, he had misdirected himself in dealing with the evidence that was said to be missing.
35. Mr Sharma proceeded to direct my attention to various paragraphs in the Decision in which he submitted that the Judge's erroneous approach was manifest. On the topic of the appellant's passports, Mr Sharma showed me that copies of extracts from both the 2002 passport and the 2016 passport had been disclosed in the supplementary bundle.
36. On behalf of the respondent, Mr Walker acknowledged that Mr Sharma had made a valid point about the passports, but otherwise there were no errors in the Judge's reasons, and he submitted that no material error of law was made out.
37. I reserved my decision.

Discussion

38. Given the nature of the error of law challenge, I consider that it is helpful to set out the guidance given by the Court of Appeal in *T (Fact-finding: second appeal)* [2023] EWCA Civ 475 as to the proper approach which I should adopt to the impugned findings of fact made by Judge Freer:

56. The most-frequently cited exposition of the proper approach of an appellate court to a decision of fact by a court of first instance is in the judgment of Lewison LJ in *Fage UK Ltd v Chobani UK Ltd* [2014] EWCA Civ 5:

"114. Appellate courts have been repeatedly warned, by recent cases at the highest level, not to interfere with findings of fact by trial judges, unless compelled to do so. This applies not only to findings of primary fact, but also to the evaluation of those facts and to inferences to be drawn from them. The best known of these cases are: *Biogen Inc v Medeva plc* [1977] RPC1; *Piglowska v Piglowski* [1999] 1 WLR 1360; *Datec Electronics Holdings Ltd v United Parcels Service Ltd* [2007] UKHL 23, [2007] 1 WLR 1325; *Re B (A Child) (Care Proceedings: Threshold Criteria)* [2013] UKSC 33 [2013] 1 WLR

1911 and most recently and comprehensively *McGraddie v McGraddie* [2013] UKSC 58 [2013] 1 WLR 2477. These are all decisions either of the House of Lords or of the Supreme Court. The reasons for this approach are many.

- (i) The expertise of a trial judge is in determining what facts are relevant to the legal issues to be decided, and what those facts are if they are disputed.
- (ii) The trial is not a dress rehearsal. It is the first and last night of the show.
- (iii) Duplication of the trial judge's role on appeal is a disproportionate use of the limited resources of an appellate court, and will seldom lead to a different outcome in an individual case.
- (iv) In making his decisions the trial judge will have regard to the whole of the sea of evidence presented to him, whereas an appellate court will only be island hopping.
- (v) The atmosphere of the courtroom cannot, in any event, be recreated by reference to the evidence (the transcripts of the evidence),
- (vi) Thus even if it were possible to duplicate the role of the trial judge, it cannot in practice be done.

115. It is also important to have in mind the role of a judgment given after trial. The primary function of a first instance judge is to find facts and identify the crucial legal points and to advance reasons for deciding them in a particular way. He should give his reasons in sufficient detail to show the parties and, if need be, the Court of Appeal the principles on which he has acted and the reasons that have led him to his decision. They need not be elaborate. There is no duty on a judge, in giving his reasons, to deal with every argument presented by counsel in support of his case. His function is to reach conclusions and give reasons to support his view, not to spell out every matter as if summing up to a jury. Nor need he deal at any length with matters that are not disputed. It is sufficient if what he says shows the basis on which he has acted. These are not controversial observations: see *Customs and Excise Commissioners v A* [2022] EWCA Civ 1039 [2003] Fam 55; *Bekoe v Broomes* [2005] UKPC 39; *Argos Ltd v Office of Fair Trading* [2006] EWCA Civ 1318; [2006] UKCLR 1135."

57. More recently, Lewison LJ summarised the principles again in *Volpi and another v Volpi* [2022] EWCA Civ 464 at paragraph 2:

- i) An appeal court should not interfere with the trial judge's conclusions on primary facts unless it is satisfied that he was plainly wrong.
- ii) The adverb "plainly" does not refer to the degree of confidence felt by the appeal court that it would not have reached the same conclusion as the trial judge. It does not matter, with whatever degree of certainty, that the appeal court considers that it would have reached a different conclusion. What matters is whether the decision under appeal is one that no reasonable judge could have reached.
- iii) An appeal court is bound, unless there is compelling reason to the contrary, to assume that the trial judge has taken the whole of the evidence into his consideration. The mere fact that a judge does not mention a specific piece of evidence does not mean that he overlooked it.
- iv) The validity of the findings of fact made by a trial judge is not aptly tested by considering whether the judgment presents a balanced account of the evidence. The trial judge must of course consider all the material

evidence (although it need not all be discussed in his judgment). The weight which he gives to it is however pre-eminently a matter for him.

v) An appeal court can therefore set aside a judgment on the basis that the judge failed to give the evidence a balanced consideration only if the judge's conclusion was rationally insupportable.

vi) Reasons for judgment will always be capable of having been better expressed. An appeal court should not subject a judgment to narrow textual analysis. Nor should it be picked over or construed as though it was a piece of legislation or a contract."

Ground 1

39. In the grounds of appeal, there is a clear assertion of a misdirection by the Judge in relation to the "*missing*" evidence, but so far as the Judge's findings on the available evidence are concerned, it is in effect submitted that the Judge gave insufficient weight to such evidence. But as is emphasised by the Court of Appeal guidance cited above, the question of how much weight should be attributed to a particular piece of evidence is exclusively the province of the Trial Judge, and I can only intervene if the Trial Judge was clearly wrong.

The Available Evidence

40. Mr Sharma has rightly distanced himself from the way that the error of law challenge on the available evidence is framed in the grounds, and has sought to persuade me that the Judge misdirected himself in his assessment of (a) the oral evidence of the third-party witnesses, (b) the photographic evidence and (c) the references from the Gurdwaras in Smethwick and Southall.

41. Mr Sharma submits that the Judge erred in law in not accepting the oral evidence of the four supporting witnesses on the issues of the appellant's claimed date of entry and his continuous residence thereafter, because no challenge is recorded to the evidence which they gave. In particular, Mr Sharma relies on the fact that there is no record of Counsel for the respondent putting to the witnesses that they were not telling the truth.

42. However, it is clear from the Judge's record of the closing submissions that Counsel for the respondent invited the Judge to place little weight on the oral evidence from the third-party witnesses, on the ground that their evidence was self-serving. I do not consider that procedural fairness required Counsel for the respondent to have accused the witnesses of lying in the course of cross-examination. I consider that it was open to the Judge to find that their evidence was not of sufficient cogency to establish both that the appellant had entered the UK in 2002, and also that he had resided continuously in the UK thereafter. It was open to the Judge to find that their evidence was not sufficiently detailed, reliable and comprehensive as to discharge the burden of proof.

43. Mr Sharma took issue with the Judge's observation at para [35] that all the witnesses belonged to the appellant's particular community. Mr Sharma characterised this finding as "*troubling*". But I consider that the Judge's observation was a legitimate one, as the fact that all the witnesses came from the same community in which the appellant had been embedded, and within which he had been supported, meant that they had a strong motive to give evidence that was helpful to the appellant's case. It reinforced the fact that they were not disinterested or impartial witnesses.
44. Whereas three of the four supporting witnesses gave oral evidence which was in line with what they had said in their witness statements, Sandeep Singh was recorded by the Judge as stating in oral evidence that he had first met the appellant in 1999. Mr Sharma submitted that it was unclear whether this was a typographical error on the Judge's part. This was not a point taken in the grounds of appeal, and it is also very unlikely, as the Judge expressly refers to the inconsistency at para [53] of the Decision.
45. Mr Sharma also took issue with the Judge's finding at para [43], where the Judge attached little weight to the appellant's "*self-serving*" attribution of two possible locations to each one of the two earliest-dated photographs. I do not consider that the Judge was wrong to place little weight on the photographs for the reasons which he gave, or that he was wrong to hold that there was no reliable evidence of the appellant's location between the dates of the photographs. There is no challenge to the Judge's finding at para [38] that there was no geotag to establish the country in which the photographs were taken, and that the appellant had not pointed to any specifically British plants or street names. I note that some of the later dated photographs have identifiably been taken in the UK due to the presence of recognisable landmarks, but this is not the case with those dated 2002 or 2003.
46. A further respect in which Mr Sharma submits that the Judge had misdirected himself in his assessment of the available evidence is the Judge's finding at para [39] in respect of the evidence of attendance given in the letters from the Southall and Smethwick Gurdwaras. Mr Sharma submits that, as the distance between Birmingham and London is not great, it is credible that the appellant had social connections in both locations, and thus credible that he would have attended the Smethwick Gurdwara over the same prolonged period as he was attending the Southall Gurdwara. The appellant's evidence - as recorded at [17] of the Decision - was that when he arrived in the UK, he was dropped off at the Birmingham Temple and he spent six months there, and he had then moved to London. Accordingly, the Judge was not wrong to find that there was an apparent contradiction in the letters asserting that the appellant was a regular attendee at both Gurdwaras since 2002.

The missing evidence

47. On the topic of missing evidence, Mr Sharma characterises the Judge's finding at para [36] as being irrational. He submits that the Judge had no reason to suppose that the types of evidence referred to in paras [36] should have been available.
48. However, the appellant had not adduced evidence to the effect that the cultural norm within the diaspora Sikh Community in the UK in the first decade of this century was for all invitations or communications about upcoming events to be by word of mouth or by telephone, as is asserted in the grounds, and it is not asserted in the grounds that greeting cards were not then exchanged by members of the Sikh community. While I accept that the Judge would have had no reason to suppose that the Gurdwaras would have issued personal invitations in writing to the appellant to attend religious events, the reference letter from the Treasurer of the Smethwick Gurdwara dated 16 March 2021 not only confirms that the appellant has been regularly attending the Gurdwara since 2002, but also that he is a contributor towards the Gurdwara, and that he has helped with events and helped in voluntary community work at the Gurdwara. Accordingly, I do not consider that it was irrational for the Judge to infer that, if it was true that the appellant had been involved with this Gurdwara for the duration and extent claimed, there would have likely to have been some written communications between the Gurdwara and the appellant evidencing this.
49. A further relevant consideration is that the Judge's observations in para [36] were not confined to communications from one or both of the Gurdwaras that the appellant claimed to have been extensively involved with on a regular basis since 2002, but to communications from the appellant's friends in respect of whom it was "*often mentioned*" that they met up with him at birthdays and weddings. It was open to the Judge to infer that such alleged frequent encounters, if true, would have been evidenced – at least in some cases – by invitations in writing having previously been issued to the appellant.
50. With respect to the passports, Mr Walker has rightly conceded that the Judge erred in para [42] in implying that the appellant had not produced the Indian passport issued in London on 30 September 2016, which he had declared in his application form. Although the original was not available to him, it had been provided to the respondent. Accordingly, the Judge was wrong to hold that the failure to disclose his current passport further damaged the appellant's credibility.
51. However, I am not persuaded that the Judge erred in his consideration of the passport that had been issued to the appellant in 2002. The appellant had produced an extract from this old passport, but not the passport in its entirety. The extract disclosed with the application showed that the appellant had been issued passport number E0916971 in Jalandhar on 4 March 2002. It was reasonable for the Judge to infer that the appellant's ability to produce a copy of this extract from his old passport in support of his application meant that he was in possession of the passport in its entirety. Although the respondent had not requested the production of the

old passport, the burden rested with the appellant to show that his residence in the UK between 4 March 2002 and 3 March 2012, when the validity of the old passport expired, had been continuous. Accordingly, it was not perverse for the Judge to draw an adverse credibility inference from the fact that the appellant had not produced the entirety of his old passport so as to show that it had not been used to travel from or to India.

52. In addition, the very fact that the old passport was issued in India on 3 April 2002, whereas the appellant claimed to have entered the UK illegally on 1 February 2002, supports the Judge's finding at [43] that there was widespread unreliability in parts of the appellant's oral evidence.
53. There is no error of law challenge to the Judge making an adverse credibility finding at paras [47] and [55] due to the absence of specific evidence of the various addresses where the appellant claimed to have resided in the early years, and also the absence of specific evidence from the friends who had allegedly accommodated him, with the exception of Jay Shergill. He was the only witness who gave specific evidence on these matters, and, as the Judge noted, his evidence only covered the appellant's accommodation for six months in 2002.

Grounds 2 and 3

54. Mr Sharma did not develop grounds 2 or 3. I consider that these grounds are no more than an expression of disagreement with findings of the Judge that were reasonably open to him on the evidence, and which were adequately reasoned.

Conclusion

55. In conclusion, although with respect to Ground 1 the Judge's line of reasoning was not without error, and although some of his reasoning could have been better expressed, I find that on a holistic assessment the Judge gave adequate and sustainable reasons for finding that the appellant had not discharged the burden of proving that he had lived continuously in the UK for at least 20 years since first entering the UK in 2002, and so no error of law is made out.

Notice of Decision

The decision of the First-tier Tribunal did not contain an error of law, and accordingly the decision stands. This appeal to the Upper Tribunal is dismissed.

Andrew Monson
Deputy Judge of the Upper Tribunal
Immigration and Asylum Chamber
8 September 2023

