



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-002712

First-tier Tribunal No: HU/58380/2022
LH/00520/2023

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On 10 September 2024

Before

DEPUTY UPPER TRIBUNAL JUDGE PARKES

Between

VENISSA FERNANDES
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: In person

For the Respondent: Mr M Parvar (Senior Home Office Presenting Officer)

Heard at Field House on 20th August 2024

DECISION AND REASONS

1. The Appellant is a national of India, she applied for leave to remain in the UK on the basis of her family life with her mother on the 26th of October 2022. The application was refused for the reasons given in the Refusal Letter of the 28th of October 2022. The Appellant's appeal was heard by Judge Stedman who dismissed the appeal for the reasons given in the decision of the 25th of April 2023.
2. The Appellant sought permission to appeal to the Upper Tribunal in grounds of the 29th of June 2023, initially permission was refused but granted on a renewed application to the Upper Tribunal. Upper Tribunal Judge Norton-Taylor granted permission on the basis that it was arguably an error that supporting evidence was not considered or that no adequate reasons were given for its rejection. Whether that was material would be considered in due course.
3. The Appellant attended the hearing with her mother and represented herself. The nature of the hearing and how it would proceed was explained to the Appellant and I advised her that the fact she was not represented would not affect the way that I would approach or decide the case. The hearing was recorded. The submissions are referred to below.

4. Having been advised that the grounds and grant were taken as read and did not need to be repeated the Appellant was asked if she wished to add anything. The Appellant said that her mother has low blood cells, if she bruises there would be internal bleeding. Her mother goes for weekly blood tests and if there is a reduction she had to be admitted. The Appellant maintained that this had not been properly considered.
5. Mr Parvar for the Respondent observed that the letter from the Doctor was from November 2021 which is now nearly 3 years old. The documents were all on the CCD file and there was no need to refer to every individual piece of evidence. The Judge
6. The Judge observed in paragraph 12 that the Appellant's mother has "significant medical conditions" and that the Appellant wished to remain and care for her mother. The Judge was aware of her mother's circumstances having previously referred to the Appellant's father having left the marriage. The evidence had been set out in paragraph 7 included her mother's trip to India in 2020 and her anxiety and that she was not on medication for depression.
7. Again in paragraph 13 the Judge referred to the Appellant's mother's significant health needs but observed that they were being treated by medical professionals and found that overall the Appellant's mother was independent. Paragraph 14 dealt with the position on the alternative basis that the Judge had understated her care needs but found that the additional support required would be accessible through her GP and social services.
8. The Dr's letter relied on, dated the 10th of November 2021, is at page 34 of the CE file. In summary it noted that his patient, the Appellant's mother, was under the care of his department and one other. Her condition required her to take medication daily and attended clinics regularly. She was estranged from her husband and the Dr stated that there were no other family members or friends support who could provide the support she needed to remain engaged. Without the Appellant's support he feared she may disengage from her care and treatment.
9. There is nothing in the evidence to show that support from other agencies would not be adequate or not available. By the date of the hearing the letter was already 1½ years old and there was information to update it. The Judge's summary that the Appellant's mother had significant health needs was an accurate reflection of the position. The evidence did not show that physical support was not otherwise available and the emotional side could be provided in other ways.
10. The grounds do not show that the Judge erred in the approach taken to the evidence that had been submitted or the conclusions that the Judge drew from information available. For those reasons I find that the decision of Judge Stedman did not contain an error of law and it stands as the disposal of the Appellant's appeal.

Notice of Decision

11. This appeal is dismissed.

Judge Parkes

**Deputy Judge of the Upper Tribunal
Immigration and Asylum Chamber**

Dated: 30th August 2024