



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: DA/00495/2013

**THE IMMIGRATION ACTS**

Heard at Field House  
On 31 July 2013

Determination Promulgated  
On 12 August 2013

Before

UPPER TRIBUNAL JUDGE PINKERTON

Between

MR HASSAN PIH  
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: In person  
For the Respondent: Ms S Ong

**DETERMINATION AND REASONS**

1. The appellant is a citizen of Iran who was born on 6 November 1953. The respondent made a decision to make a deportation order against him on 18 February 2013. The appellant appealed that decision and the appeal was heard by a panel comprising

First-tier Tribunal Judge Beg and non-legal member Mr M Griffiths. The panel dismissed the appeal.

2. The appellant sought permission to appeal the decision of the panel. Permission to appeal to the Upper Tribunal was granted on the basis that it was patent that the panel did not consider the appellant's private and family life under the amended Immigration Rules. The respondent's decision was dated 18 February 2013 and the Rules were amended with effect from 9 July 2012. It was found arguable that the panel should have considered the appellant's private and family life under those Rules.
3. Other areas of argument in the grounds seeking permission to appeal were that the panel failed to explain adequately how the appellant is expected to resume normal life in Iran after such a long time of living in the United Kingdom. Furthermore the panel failed to give any or any adequate weight to the appellant's submission on delay in that the respondent had taken almost ten years to decide that the appellant ought to be deported on conducive grounds, notwithstanding that the appellant has never drawn the adverse attention of the authorities over that period of time.

### **The Hearing before Me**

4. The appellant appeared in person. He did not expect to be represented. There was a letter from his former representatives dated 10 July 2013 indicating that owing to the appellant's financial situation he was unable to instruct them or to retain a barrister. The application for permission to appeal had been prepared on a pro bono basis and they had no instructions to represent him at the hearing.
5. I confirmed with the appellant that he was not seeking an adjournment. I therefore decided to proceed and had before me all the documentation that was previously before the panel. An interpreter was available but the appellant did not require his services except on one small point that he wished to make during his submissions.
6. There is on file a Rule 24 submission from the respondent to the effect that the panel directed itself appropriately and came to conclusions they were entitled to come to on the evidence concerning the serious nature of the appellant's crimes. Furthermore the Article 8 assessment was considered under both the old and new Rules. The conclusions are neither unreasoned nor perverse and there is no basis for the Upper Tribunal interfering with the conclusion of the First-tier Tribunal.
7. I explained to the appellant the procedure and my powers in relation to the challenge to the decision of the First-tier Tribunal. It is clear to me from what the appellant said that he is still aggrieved that he was convicted for the crimes of rape and buggery of a woman. He pointed out that he has been in the United Kingdom since 1977 and since the offences for which he was convicted in 1999 he has not been in any trouble. He has no-one in Iran, having lost touch with his family there. He has never claimed housing benefit and at one time he had both an Iranian and a British passport. He obtained and was entitled to that British passport. He travelled abroad using it and he has an English driving licence.

## My Decision and Reasons

8. As I informed the appellant at the hearing before me the panel that heard his appeal in the First-tier Tribunal made a decision and gave more than adequate reasons as to why they arrived at that decision such that there could be no successful challenge to it. The panel was clearly aware of all the circumstances relating to the appellant's background. The panel did not accept as credible some of the appellant's evidence and gave good and full reasons for coming to those conclusions. As to Article 8 considerations the panel set out perfectly properly at paragraphs 21 and following consideration of the Immigration Rules which came into effect on 9 July 2012 and later considered the appellant's position under Article 8 ECHR.

## Conclusion

9. There has been no error by the panel. This is a detailed and careful determination of the appellant's position. The panel decided that the appellant could not benefit under the Immigration Rules and concluded and was entitled to conclude that deportation was the right course because the appellant's private life did not outweigh the public interest in deporting him, largely by reason of the seriousness of the offences for which he was convicted. He has not been in Iran for many years but he does have family there and he speaks the language. The panel did not find that the appellant provided credible documentary evidence that he has been in the United Kingdom for over twenty years.
10. As stated in paragraph 35 of the determination the panel carefully considered the matter under both the old and new Immigration Rules in line with the jurisprudence and the approach set out in **MF (Article 8 - new Rules) Nigeria [2012] UKUT 00393 (IAC)**.
11. As to consideration by the panel of the delay in issuing a liability to deportation notice since the appellant's conviction the panel took into account the case referred to in paragraph 37 of the determination and concluded that the appellant was aware at the time of his conviction that one of the consequences of that conviction and a substantial sentence of imprisonment was that steps would be taken to remove him from the UK.

## Decision

12. For the above reasons the decision of the First-tier Tribunal is upheld namely that the appellant's appeal is dismissed.
13. An anonymity direction has not been made previously. In the circumstances of this appeal I see no good reason to make one now.

Signed

Date 12<sup>th</sup> August 2013

Upper Tribunal Judge Pinkerton