



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

Appeal Number: IA/02567/2014

THE IMMIGRATION ACTS

Heard at Bradford

On 12th August 2014

**Determination
Promulgated**

On 21st August 2014

Before

UPPER TRIBUNAL JUDGE D E TAYLOR

Between

**N L P
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: In Person

For the Respondent: Mr A McVeety, Home Office Presenting Officer

DETERMINATION AND REASONS

1. This is the Appellant's appeal against the decision of Judge Grimshaw made following a hearing at Bradford on 30th April 2014.

Background

2. The Appellant is a citizen of Canada born on 19th January 1985. Her immigration history is as follows.
3. She entered the UK on 3rd May 2010 with leave as a Tier 5 Migrant until 2nd May 2012. She then made an application to stay in the UK as a partner, but withdrew it, and made a fresh application on the basis of her private life, which was refused on 23rd December 2013.
4. The judge heard evidence from the Appellant, whom she found to be credible, and who, she accepted, had experienced mental health problems whilst in the UK as a result of the breakdown of her relationship and her former partner's abusive behaviour. She noted that NP had a good immigration history, and enjoyed a stable life in the UK. She had formed a new relationship, but it was of relatively short duration and there were no real obstacles to the couple returning to Canada to pursue their relationship there. The Appellant had not shown that treatment for her mental health problems was not available for her in Canada. She would be returning to a country where she has lived for most of her life. She was not satisfied that the Appellant had demonstrated that there were any compelling or compassionate aspects to her application.
5. The Appellant sought permission to appeal on the grounds that the judge had not acted fairly in that she had taken into account evidence which was not available to her until after the appeal.
6. Permission to appeal was granted by Upper Tribunal Judge Macleman who said that there was on file a letter dated 25th April 2014 from the Respondent to the Tribunal, copied to the Appellant, supplying further documents. There may have been a procedural mishap amounting to unfairness.

The Hearing

7. The documents referred to by the judge who granted permission consist of a personal statement, supportive letters from the Appellant's friends and a letter from her GP dated 22nd November 2012 stating that she has been provided with CBT sessions and ongoing medication for anxiety and depression disorder.
8. NP told me that she had also provided fresh medical evidence in December 2013 confirming the previous diagnosis of anxiety and panic attacks which had not been taken into account by the judge.

Findings and Conclusions

9. There is no procedural unfairness in this case. The bundle of documents referred to by Judge Macleman were all documents which the Appellant herself had submitted. So far as the more up-to-date medical evidence is concerned, it appears to be confirmatory of the previous diagnosis.

10. The Appellant has no basis of stay in the UK. She does not meet any of the applicable Immigration Rules, including those relating private and family life. The judge, in a thoughtful and sympathetic determination, was manifestly entitled to conclude that she had not demonstrated any compelling or compassionate aspects to her application such as to require a grant of leave to stay in the UK. Her decision is unassailable.

Decision

11. The judge did not err in law and her decision stands. The Appellant's appeal is dismissed.

Direction Regarding Anonymity - Rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005

Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify her or any member of her family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed

Date

Upper Tribunal Judge Taylor