



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

Appeal Number: IA/07352/2015

THE IMMIGRATION ACTS

Heard at Bennett House, Stoke

**Decision and Reasons
Promulgated**

On 22 October 2015

On 23 October 2015

Before

UPPER TRIBUNAL JUDGE PLIMMER

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

DEBORAH OKOJIE

Respondent

Representation:

For the appellant: Mr McVeety, Senior Home Office Presenting Officer

For the respondent: Ms Mair, Counsel

DECISION AND DIRECTIONS

1. The respondent is a citizen of Nigeria. She entered the United Kingdom ('UK') in 1997, having left Nigeria in 1995.
2. The respondent has a lengthy immigration history that included a number of applications that have been refused. Removal directions have been set on numerous occasions. It is unnecessary for the purposes of this decision to rehearse that history. In a decision dated

6 February 2015 the SSHD refused the respondent's application for leave to remain under the Immigration Rules and under Article 8 of the ECHR. The respondent appealed against this decision to the First-tier Tribunal.

3. In a decision dated 8 June 2015 First-tier Tribunal Judge Shanahan allowed the appeal under paragraph 276ADE(1)(vi) of the Immigration Rules. The only issue in dispute in relation to that rule was whether or not "*there would be very significant obstacles*" to the respondent's integration into Nigeria, if removed there. The judge resolved that issue in the respondent's favour.
4. The SSHD appealed against the decision on the basis that the judge erred in law in finding that the high threshold required to establish 'very significant obstacles' had been met. The grounds were considered to be arguable and permission to appeal was granted on 20 August 2015. The respondent has cross-appealed and provided a rule 24 response. The cross-appeal submits that the judge was entitled to allow the appeal under the Rules but if that is not accepted the judge should have gone on to consider the human rights grounds.
5. The matter now comes before me to decide whether there has been a material error of law. At the beginning of the hearing Mr McVeety indicated that he relied upon the grounds of appeal and had nothing to add save that he recognised that the decision was a well-reasoned one. I indicated to Ms Mair that I did not need to hear from her as I would be dismissing the appeal. I now provide my reasons for doing so.
6. I entirely accept the SSHD's submission in the grounds of appeal that the requirement of 'very significant obstacles' sets a demanding standard. I am satisfied that the judge has properly directed herself to the relevant wording of 276ADE(1)(vi) [25] and adequately reminded herself that this requires a high threshold to be met [36, 50, 51]. Whilst the judge recorded a submission on the part of Counsel representing the respondent at [34] as to her interpretation of the correct way to approach the test, the judge directed herself as to that test without any fault.
7. The judge was entitled to consider the respondent to be a truthful witness [36] and to accept the conclusions of the country expert as to her likely plight in Nigeria if returned, for the reasons she has provided [37-47]. The grounds of appeal in relation to the expert question her expertise and the out of date nature of her report. I reject these submissions. As the rule 24 response notes the SSHD failed to consider the supplementary May 2015 report. The judge has provided adequate reasons for accepting the expertise and experience of the expert [37] having considered the submissions put forward by the SSHD in relation to the expert report at the hearing [33].

8. Having accepted all the relevant evidence the judge was entitled to find that the respondent's particular circumstances are such that she would face very significant obstacles integrating into Nigeria for the reasons she has provided. The grounds of appeal submit that the judge took into account irrelevant factors. In my judgment when the grounds of appeal are carefully examined they do no more than disagree with the judge's findings and assessment. The matters said to be irrelevant at paragraph 11 (a) to (f) of the grounds, are all matters relevant to the respondent's background and her ability to reintegrate into Nigeria. I reject those submissions and accept the submissions advanced in relation to them within the rule 24 response. As the rule 24 response emphasises the judge had detailed written and oral evidence before her. She accepted this evidence. Having done so she was entitled to consider the evidence cumulatively to determine whether it met the relevant demanding test. Having done so the judge's finding that the relevant test was met does not contain any error of law.

Decision

9. The decision of the First-tier Tribunal did not involve the making of an error of law and is not set aside.

Signed:

Ms M. Plimmer
Judge of the Upper Tribunal

Date:
22 October 2015