



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

Appeal Number: IA/28745/2014

THE IMMIGRATION ACTS

Heard at Bennett House, Stoke-on-Trent

**Determination
Promulgated**

On 23rd January 2015

On 30th January 2015

Before

UPPER TRIBUNAL JUDGE MARTIN

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**MASTER PAVITAR SINGH
(Anonymity Direction Not Made)**

Respondent

Representation:

For the Appellant: Mr A McVeety (Senior Home Office Presenting Officer)

For the Respondent: Mr M D Hoare (H & S Legal Solicitors)

DETERMINATION AND REASONS

1. This is an appeal to the Upper Tribunal by the Respondent, with permission, against the determination of First-tier Tribunal Judge Steven J Pacey promulgated on 9th October 2014 by which he allowed the Appellant's appeal against the Secretary of State's decision to refuse him leave to remain and to remove him to India.
2. For the purposes of continuity I shall refer in this determination to the Secretary of State as the Respondent and Mr Singh as the Appellant.

3. Permission to appeal was granted by a First-tier Tribunal Judge on the basis that she found it arguable that the Judge had not taken due notice of the fact that the Appellant had been in the UK illegally and that his private life had been built up during that time.
4. The facts of this case are that the Appellant entered the UK aged 5 in 2001 with his mother and brother. None had leave to enter. They came to join the Appellant's father and have remained ever since. The Appellant has an older brother and his application to remain is outstanding before the Secretary of State. The Appellant's father now has a residence permit to remain in the UK. The Appellant also has twin sisters born in the UK in 2002, who are now British.
5. Dealing first with the perceived error of law by the Judge who granted permission to appeal, she has failed herself to take into account that the Appellant was a minor on arrival and only attained 18 years in December 2014. He therefore ought not to have been held responsible for his illegal presence when he was a minor and under the control of his parents. That remained the case when Judge Pacey considered the appeal.
6. The Judge, in a detailed and fully reasoned determination found that the Appellant had lived in the UK for over half his life and that although there was extended family in India, he had minimal contact with them and had no meaningful ties to India and it would be unreasonable to expect him to go there. On that basis the Judge found that he succeeds under paragraph 276ADE of the Immigration Rules. However the Judge nevertheless went on to consider Article 8 outside the Rules and allowed the appeal on that basis also.
7. The grounds argue with the Judge's conclusion that the Appellant had no ties to India and then criticise the basis for considering Article 8 outside the Immigration Rules.
8. Case law has established that "ties" to a country of origin have to be meaningful. In Ogundimu (Article 8 - new rules) Nigeria [2013] UKUT 60 (IAC) the Upper Tribunal said that the natural and ordinary meaning of the word 'ties' in paragraph 399A of the Immigration Rules (HC194) imports a concept involving something more than merely remote or abstract links to the country of proposed deportation or removal. It involves there being a connection to life in that country. Consideration of whether a person has 'no ties' to such a country must involve a rounded assessment of all of the relevant circumstances and is not to be limited to 'social, cultural and family' circumstances. That is what the Judge did in this case and I can see no error of law in his approach or conclusions.
9. The grounds amount to no more than a formulaic disagreement with the Judge's conclusions and do not reveal an error of law in what is a careful and detailed determination. Whether the Judge ought to have considered

Article 8 under the ECHR is academic given that he found, as he was entitled to do, that the Appellant succeeded under the Rules.

10. Mr McVeety was unable to make any submissions to the contrary.

11. The appeal to the Upper Tribunal is dismissed.

Signed

Dated 27th January 2015

Upper Tribunal Judge Martin