



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

Appeal Number: UI-2022-001528  
HU/00757/2021

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 27 July 2022**

**Decision & Reasons Promulgated  
On 9 September 2022**

**Before**

**UPPER TRIBUNAL JUDGE PLIMMER**

**Between**

**CHEVRON WILLIAMS**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr Plowright, Counsel

For the Respondent: Ms Cunha, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant, a citizen of Jamaica, has appealed against a decision of the First-tier Tribunal ('FTT') sent on 2 March 2022, in which his appeal to join his UK settled mother was dismissed on human rights grounds. The appellant is now aged 20 but made an entry clearance application to join his mother (the sponsor) when he was a minor, shortly before his 18<sup>th</sup> birthday.
2. Mr Plowright relied upon his grounds of appeal, in relation to which permission to appeal had been granted in a decision dated 21 April 2022. During the course of his submissions, Mr Plowright

acknowledged that the FTT referred to the relevant evidence before it but when making its findings ignored that evidence or gave inadequate reasons for rejecting it. Ms Cunha invited me to read the FTT's decision as a whole and to conclude that the FTT clearly had all the relevant evidence in mind when reaching findings of fact. After hearing submissions from both parties, I reserved my decision, which I now give with reasons.

3. The FTT's 17-page decision is undoubtedly detailed and comprehensive. The grounds of appeal drafted and relied upon by Mr Plowright submit that although the decision is lengthy, the FTT failed to take into account three items of evidence: (i) the appellant's own evidence in the form of a statement dated 16 September 2021 and a letter dated 30 July 2020, as supported by Dr Williamson's letter dated 4 February 2020 (the medical evidence); (ii) a letter from the appellant's father (the father) dated 5 August 2020, and: (iii) a letter from the appellant's school (the school) dated 10 February 2020.
4. I do not accept Mr Plowright's submissions. When the decision is read as a whole it is clear that the FTT was well aware of and took into account all of this evidence. Much of the evidence was referred to in the respondent's decision letter dated 6 January 2021, which the FTT addressed in detail at [5-11]. The FTT specifically referred to all the relevant evidence and made it clear that it had been considered at [16]. The FTT demonstrated a detailed understanding of the case put on behalf of the appellant, including the claim summarised at [26] that since the father's stroke in 2017 he and his mother (the grandmother), who suffered from her own ill-health, were unable to look after the appellant. The FTT set out the mother's oral evidence in detail at [27-46] including reliance upon the medical evidence regarding the ill-health of the father and the grandmother - see in particular [38-39]. The FTT then expressly stated at [48] that careful consideration had been given to the sponsor's evidence as well as the documentary evidence, before going on to make its findings.
5. I do not accept the related submission that the FTT did not give adequate reasons for rejecting the sponsor's evidence regarding the appellant's claimed circumstances in Jamaica. I recognise that the FTT wrongly stated there was "no evidence" on occasions when there was clearly some evidence of those matters. By way of example, the FTT was wrong to state that there "no evidence of the father's personal circumstances..." at [65]. The sponsor, the appellant and the father provided evidence of this. The father's claimed circumstances were also set out in the medical evidence. When the decision is read as a whole, the FTT was well aware of this evidence and really meant to say that there was no *reliable* evidence submitted regarding the father's personal circumstances. As Ms Cunha submitted, the FTT did not regard the supporting evidence to be reliable or plausible given the particular circumstances of the case

and provided adequate reasons for those findings. Whilst it would have been more helpful for the FTT to have engaged directly with the medical evidence, it is tolerably clear that the FTT did not accept that this was capable of supporting the claim that the mother had sole responsibility or that the appellant could not adequately fend for himself with some support from his father and grandmother, with whom he was living, particularly bearing in mind his age (nearly 18), his circumstances (he had left school) and the background of the paternal family, who were able to educate the father in the past.

6. Contrary to the submissions in the grounds of appeal, the FTT: did not form any conclusion at [48] but was summarising the case it was being “invited to find” (indeed at the hearing Mr Plowright acknowledged this and no longer placed reliance upon this submission); was well aware of the evidence in support of the claim that the father moved out the grandmother’s home in 2012 and only moved back in after his stroke; was entitled to reject the claim that the father provided no care for the appellant notwithstanding the evidence in support of this from the appellant and the father; was entitled to regard the letter from the school as not supporting the mother’s claim that she has been *directing his education and choosing schools* - the school letter vaguely states that the sponsor *and* the grandmother have fulfilled *financial and other obligations to the school*.
7. Although the FTT was wrong to say at [55] that there was no evidence other than that of the sponsor that the father was not constantly living with the appellant, when the decision is read as a whole, this is not a material error of law. The FTT made an alternative finding at [60] that the father was a constant presence but, in any event, it was not in dispute that the father was living with the appellant from 2017, when he had a stroke, which the FTT acknowledged at [58] undoubtedly had an impact.
8. In all the circumstances, the grounds of appeal have not been made out. There is no material error of law in the decision of the FTT. Whilst there are aspects of the decision that could have been drafted in clearer terms, it is important to exercise judicial restraint where not every step in the reasoning is included and where some parts of the evidence are not expressly referred to, provided adequate reasons have been provided when the decision is read as a whole - see HA (Iraq) v SSHD [2022] UKSC 22 at [72].

### **Notice of decision**

9. The appeal is dismissed.

Signed: *UTJ Melanie Plimmer*  
Upper Tribunal Judge Plimmer

Date: 27 July 2022