Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: HU/01762/2020

THE IMMIGRATION ACTS

Heard at Field House
On 16th December 2021

Decision & Reasons Promulgated
On 28 January 2022

Before

UPPER TRIBUNAL JUDGE RIMINGTON

Between

MR STENNETH CORNEL GILBERT
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:
For the Appellant: Ms M Sardar, Counsel instructed by Braitch Solicitors
For the Respondent: Mr S Whitwell, Home Office Presenting Officer

DECISION AND REASONS

1. The appellant appeals with permission against the decision of First-tier Tribunal Judge I D Boyes, promulgated on 9th August 2021, in dismissing the appellant's appeal against the Secretary of State's refusal of his human rights claim against a deportation decision made under Section 32(5) of the UK Borders Act on 24th January 2020.

2. The appellant is a national of Jamaica who arrived in the UK on 17th June 1991 as a minor aged nearly 14 years old and was granted indefinite leave to remain on 5th October 1992. He has a number of criminal convictions, but the index offence was committed in 2018 when he was convicted of

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possession of a prohibited weapon (disguised firearm) and possession of a prohibited weapon for discharge of noxious liquid/gas/electrical incapacitation device/thing at Lewes Crown Court. On 16th November 2018 he was also convicted of possession with intent to supply controlled drug class A - MDMA and of possession with intent to supply controlled drug of class B – cannabis resin.

3. On 30th November 2018 the appellant was sentenced to a total of seven years' imprisonment at Brighton Crown Court.

4. Having been served with notification of a decision to deport him on 18th September 2018, the appellant made representations on Article 8 grounds in relation to his family and private life in the United Kingdom. His appeal came before First-tier Tribunal Judge Boyes, and the appellant was unrepresented at the appeal. His appeal was dismissed.

Grounds for permission to appeal

5. The grounds for permission to appeal set out that the First-tier Tribunal Judge

(i) failed to give proper consideration to the vulnerabilities of the appellant including his mental health issues. At paragraph 34C of the determination the judge indicated that the appellant's "*mental health problems do not amount to being compelling. They do not come close to meeting the threshold in* ***AM (Zimbabwe)***". The judge found at paragraph 34D that the fact that the appellant did not know anyone in Jamaica nor had family there was not compelling and stated: "*The appellant is an adult with all his faculties and no disabilities*". That was clearly incorrect in the light of the appellant's mental health illnesses and diagnosis of post-traumatic stress disorder, which was alluded to in the determination at paragraph 19.

6. The case authorities relating to deportation were clear that all relevant factors should be taken into account in the proportionality assessment. This should have been considered in the context of the appellant's family all being in the United Kingdom and there being no-one in Jamaica, leaving him with no support network on return. An individual assessment was not carried out. The judge had failed to consider the appellant's mental health illness when concluding that the appellant could safely return and establish himself in a country from which he had been absent for 30 years. The judge erred in failing to apply the Joint Presidential Guidance Note No 2 of 2010 in relation to vulnerable appellants ("Joint Presidential Guidance"). The judge should have recognised the appellant was vulnerable due to his mental illness.

7. In a further ground (ii) it was asserted that the judge had failed to consider the appellant's length of residence in the United Kingdom, as the appellant had resided here for 30 years, and his integration in the United Kingdom. Similarly, integration in Jamaica had been inadequately considered. **Akinyemi (No 1) [2017] EWCA Civ 236** confirmed that a person having

spent the majority of their life lawfully resident in the UK was capable of amounting to a very compelling circumstance. It was relevant, as indicated in **Maslov v Austria Application No 1638/03** at paragraphs 71 to 75 where a foreign criminal had been lawfully resident in the host country since childhood.

8. These errors resulted in unfairness to the appellant.

9. At the hearing before me it was additionally submitted that the judge had failed to take into account the children of the appellant. That, however, was not a ground on which permission to appeal was granted and, in the circumstances, and absent a formal Rule 24 response and the fact that this was raised on the morning of the hearing, in line with the overriding objective, I refused to grant permission. The ground in relation to family related to whether the appellant had a support network in Jamaica, not the relationship of the appellant and his children in the UK and which I address below. There was scant evidence that his deportation would have an unduly harsh effect on the children let alone constituting very compelling circumstances and I factor those circumstances into my refusal to grant permission.

10. In expansion on the written grounds, Ms Sardar submitted that the judge had failed to engage with the appellant's vulnerabilities, there was a clear contradiction in the findings of fact in that regard. The appellant was a litigant in person and gave oral evidence including on his medical difficulties which were set out in some detail including a description of his prescription drugs. His three brothers also provided witness statements referring to his mental health issues. There was a letter from Kim Green and the appellant's own statement which highlighted his suicidal ideation. There was also a statement from Officer Mitchell dated 20th January 2021 and the OASys Report. The support from his family in the UK and other assistance went to his stability and the judge was presented with evidence from which he could have concluded that the appellant may relapse should he return to Jamaica. The judge had in error referred to the appellant having all his faculties and no disabilities. It was hard to reconcile that the appellant would be able to travel to Jamaica where he had no family support.

11. Ms Sardar confirmed that the appellant had commenced his sentence on 30th November 2018 and although he had been released on 26th October 2021, he remained in immigration detention.

12. He submitted that the judge should have adjourned the case to allow the appellant to obtain medical evidence. One of the exceptions was that the appellant had lived in the UK for more than half his life and he had been here lawfully, yet that had not formed part of the consideration of very compelling circumstances. It was acknowledged that there were three limbs to Exception 1 (under Section 117C(4) of the Nationality, Immigration and Asylum Act 2002) which included very significant obstacles to his return, but it was not an inevitable conclusion that he

would not have met that, albeit the burden was on the appellant. Further, the appellant had family in the UK which incorporated his British citizen children. It was confirmed there was no social worker report and although there were statements from previous partners, they were all ex-partners. No case was put forward in terms of the appellant having a partner. Mr Sardar contended there were very compelling circumstances.

13. Mr Whitwell responded that the appellant had been detained initially on 10th May 2018 and placed on remand. I was referred to the Rule 24 response, which confirmed the appellant had a lengthy criminal record of 57 convictions many of which involved drugs and violence with an offence culminating in a sentence of seven years' imprisonment. The medical evidence before the judge was very limited and the Secretary of State was unable to identify any confirmed diagnosis for PTSD. The determination demonstrated that the judge had read and re-read the appellant's documents at least four times and considered the health issues in the context of Article 3 and very compelling circumstances at paragraph 34C of the determination and re-integration at paragraph 34D. The length of the appellant's residence was clearly reflected in the judge's approach to the other aspects of the appellant's case and contrary to the assertion in the grounds, the judge did consider the evidence in the round.

14. No request was made to treat the appellant as a vulnerable witness, the medical evidence was limited and although vulnerable witness guidelines were not mentioned as identified in the Rule 24 response the Presenting Officer made a specific note of the assistance offered to the unrepresented appellant by the judge. He was "very sympathetic to the "ap" and helped the "ap" put together his submissions, thoughts and arguments". Overall, the judge very carefully considered the evidence, was mindful that the appellant was unrepresented and went to a great deal of effort to ensure that the appellant was able to put his case fully.

15. Mr Whitwell also noted that issues of domestic violence had been identified in the OASys Report and further that the appellant's son was referenced as having used weapons. The family overall was considered at paragraph 34B of the decision.

16. The judge had stated that all factors had been taken into account in the appeal and that followed an avalanche of evidence and numerous documents. That the judge did not specify a particular document did not mean that he had omitted any material consideration.

17. In relation to consideration of the length of residence the judge had set out at paragraphs 3 and 4 the appellant's immigration history and was well aware of the length of residence of the appellant. It was equally clear that the judge had accepted under paragraph 399A the length of residence but not the other two limbs.

18. With regard to the Presidential Guidance on vulnerability it was stated that the judge had assisted the appellant and on what evidence should the

judge have adjourned? This was not a case where the evidence was in dispute, or it was noted as to what difference it would have made. It was the judge's assessment of the facts against the law which was relevant.

19. The judge considered family support more widely at paragraph 34E of the decision and in the round, the judge was aware from paragraph 18F onwards that the appellant stated he had no friends or family in Jamaica.

20. In relation to mental health at paragraph 23 the judge had specifically stated that the appellant had no learning difficulties and that was relevant. The judge had noted the appellant's mental health difficulties specifically at paragraph 19 but even at its highest, the appellant about four years ago required antidepressants and that was not inconsistent with paragraph 34D.

21. The judge considered the ability of the appellant to integrate into Jamaica as a whole in line with **Secretary of State v Kamara [2016] EWCA Civ 813** which held that "integration" calls for a "broad evaluative judgment" of whether the individual will be enough of an insider in terms of reintegration.

22. It was not explained as to how having antidepressants four years ago stopped the appellant from integrating into Jamaica. There was no Article 3 breach and the findings by the judge chimed with the OASys Report.

23. Further, there was no challenge to the findings on suicidal ideation in the grounds. In particular, there was no formal diagnosis of PTSD. More had been made of it by Counsel in their representations at the hearing in the Upper Tribunal, but nothing suggested that the reasons of the First-tier Tribunal were insufficient or erroneous and I should dismiss the application.

24. It could not be argued in terms of paragraph 399A that anything was so compelling. In terms of his social and cultural integration, the appellant had 22 convictions starting in 2000 and stopping when he was in prison. It was not a near miss under paragraph 399A, it was no such thing.

25. In response Ms Sardar submitted that stating the appellant had no disabilities flew in the face of the evidence.

Analysis

26. The judge properly directed himself legally at the outset of his determination at paragraph 5, identifying that the appellant was subject to automatic deportation proceedings, and set out the Immigration Rules, which included the exceptions to deportation specifically paragraphs 399 and paragraph 399A. At paragraph 7, the judge confirmed that in the light of the length of the appellant's sentence he must show on the balance of probabilities that there are very compelling circumstances "over and above the matters referred to in 399 and 399A which are Article 8 family life matters and Article 8 private life matters". As the judge questioned at

paragraph 30 '*has the appellant produced any evidence of circumstances which could properly be described as compelling?*'.

27. The judge recorded that the appellant had previously been subject to deportation proceedings commenced in 2009 following the conviction for inflicting GBH for which he was sentenced to a term of imprisonment of fifteen months, but his appeal was allowed on 30th July 2012. Following a series of further offences for handling stolen goods for which the appellant was sentenced to eighteen months' community order and a drug rehabilitation requirement, the appellant was convicted of various driving offences including driving a vehicle whilst uninsured, possession with intent to supply of a controlled drugs class B in 2014 and facilitation of the acquisition/possession of criminal property, possession of drugs in 2016 and the resisting or obstruction of a policeman. In December 2016 the appellant was convicted of battery, and he was given a suspended sentence of twelve weeks suspended for twelve months and a restraining and protection from harassment order until 3rd January 2019 and required to undertake a rehabilitation activity. In January 2017 he was convicted of theft and given a community order.

28. The judge identified the index offence, which is possession of a prohibited weapon and possession with intent to supply Class A drugs for which the appellant received seven years' imprisonment in 2018.

29. In terms of ground (i), I have carefully considered the evidence in the light of the assertion that the judge failed to appreciate and was contradictory in relation to the mental health of the appellant and failed to apply the Presidential Guidance. The judge specifically noted at paragraph 17 that the appellant was not represented. The file consists of various letters, references and educational certificates and many of the letters are handwritten. A letter on file from the appellant dated 30th June 2021 states:

> *"To Judge Boyes - I know you given me a lot of chance to provide my witnesses statement and I'm trying my best. I have write to Duncan Lewis and I still have not hear back from them … and soon as a solicitor is able to take my case on, they will contact me …"*

30. It is clear from the correspondence within the file that the appellant was conducting his own case and organising his paperwork and had been given the opportunity to prepare the same and instruct solicitors. The hearing was heard on both 1st March 2021 and seemingly adjourned to 29th July 2021. I reject the assertion that the judge should have adjourned the hearing further in order for the appellant to obtain further evidence (and secure representation), first because there was no indication that this was requested, secondly the appellant had clearly been given opportunities to prepare his case prior to the hearing itself in July, and thirdly, on the evidence as presented (which I address below) there was no indication that further evidence would be needed or forthcoming. I am mindful of the test of fairness and the overriding objective.

31. The grounds asserted that not all relevant factors had been taken into account. I have considered the evidence carefully to ascertain whether the judge materially erred by omitting a relevant consideration to support the contention that the reasoning was inadequate.

32. Turning to the mental health issue, it was the appellant who explained his ongoing medical difficulties and the judge at [19] recorded the appellant's description of his mental health as follows:

> *"19. The appellant also explained his ongoing medical difficulties. He has engaged the services of a Psychologist in prison and has been treated for Mental health problems in the past, he having been prescribed anti-depressants. His main problems are said to be anxiety, panic disorder and PTSD which, the appellant believes, stem from treatment in his childhood."*

33. This was the judge recording the appellant's own description of his mental health. There was reference to the fact that the appellant had engaged with the services of a psychologist in prison and that he had been treated in the past for mental health problems, but he had only been prescribed antidepressants and that was in the distant past. There was no formal medical diagnosis of the appellant's mental health problems, no formal diagnosis of PTSD, and merely statements from the appellant and his brothers. As the Home Office representative confirmed, the appellant has been in detention since 10th May 2018. There was no indication of how often those giving letters had seen the appellant, if at all, and moreover these statements were made in the absence of current independent medical evidence and within the context of the OASys report dated 30th September 2020. Further there was no challenge in the grounds to the findings on suicidal ideation and that was, in the light of the evidence, sensible.

34. Crucially, the OASys Report stated at page 19 that the appellant

> *"has disclosed having a mental breakdown in May 2017 but was not clear about context/circumstances under which this occurred, however this was probably linked to lifestyle and relationship issues. He states he has no current mental health concerns".*

35. In my view, if the judge omitted a detailed analysis of the OASys Report, that was only to the appellant's advantage and not a material error. The OASys Report, contrary to the submission, did not support any claim of a mental health difficulty on the part of the appellant and supported the judge's assessment that the appellant had all his faculties and no disabilities.

36. The OASys report contrasted with a letter from Denise Ingleton, on headed paper from the North East London NHS, who referred to "a working diagnosis of mental ill health" but this letter was undated and there was no indication of her role in that organisation. It appeared from the text

and content that she must be a family friend/relative because she refers to her leaving the appellant in the care of his grandmother when she migrated to the United Kingdom in 1987. In the context of the remaining evidence, I find no material error for the judge failing to identify this letter as its probative value was extremely limited.

37. I turn to the letter of the NHS Devon Partnership from Kim Green, an assistant psychologist, who reported on 9th June 2021:

> *"Currently you are waiting to find out if you will be deported back to Jamaica. You haven't lived there since you were 13, so this thought is scary for you. Until you know the outcome of possible deportation you are experiencing anxiety, panic attacks and poor sleep".*

This also recorded that the appellant avoided asking for help from his family and it appeared the sum of the recommendations was for the appellant to use the gym and improve his sleep and talk about his issues to help him move forward.

38. Nothing in that letter identified significant mental health difficulties and, as a consequence, that the judge erred materially in failing to mention it. The letter did not reflect significant mental health difficulties but rather anxiety owing to the deportation proceedings.

39. The appellant's GP notes, as produced, dated from 2013 to March 2018 and referred to depression in 2016, but, on 19th March and 20th April 2015, only identified the prescription of citalopram 20mg tablets, and there was no reference to any further prescription of antidepressants or issue on mental health. Overall, it was open to the judge to describe that the appellant's problems were

> "*said to be anxiety, panic disorder and PTSD which, the appellant believes, stem from treatment in his childhood*".

40. That was not a finding of the judge but a record of the evidence.

41. Finally, the reference from Officer Mitchell at HMP Channingswood dated 20th January 2021 referred to the appellant's

> *"many courses through the Education Department and the treatment programmes. These include a number of drug rehabilitation courses, the Understanding Restorative Justice process, the Thinking School's Programme, City & Guilds Barista Skills and many more".*

42. He identified that the change had been positive, but he made no reference to any form of mental health difficulties.

43. The OASys Report also recorded that the appellant was a medium risk of serious harm to the public and on the OGRS 3 scale at a probability of reoffending which was medium, but in terms of his criminogenic needs, his

emotional wellbeing was not identified as an area of need and nor was his thinking and behaviour, (page 36).

44. The OASys Report confirmed that the appellant had no problems with reading, writing or numeracy. In detention he had gained an NVQ Level 1 in catering and was undertaking a qualification for the catering industry as a barista and the OASys confirms that he “has also gained GCSEs in English, art and design and geography”. There was no indication of any physical needs on the part of the appellant.

45. Included in the documentation were certificates in relation to food safety in catering and affirmed the appellant was intelligent and literate and suffered from no disability.

46. On examination of the evidence before the judge, overall, having referenced the appellant’s own evidence, and the various character references at paragraph 22, it was open to the judge to conclude, albeit that the appellant had some anxiety and panic in relation to his deportation, at paragraph 34D that the appellant “is an adult with all his faculties and no disabilities”. As the judge stated at 34C, the appellant’s mental health problems did not amount to being compelling and do not come close to meeting the threshold set out in **AM (Zimbabwe) [2020] UKSC 17**.

47. Although the judge has not given the detail in the reports that I have identified he had clearly considered those reports. That those they are not mentioned in detail was not a material error of law because, as I have identified, they do not assist the appellant to show very significant obstacles owing to health considerations to return let alone very compelling circumstances.

48. Although it was asserted that the judge made no mention of the appellant being a vulnerable person, given my findings above, it is not established how the Joint Presidential Guidance Note No. 2 of 2010: Child, Vulnerable Adult and Sensitive Appellant guidance would assist the appellant. There was no suggestion the appellant’s evidence contained internal discrepancies and the judge made clear that he had read the evidence overall several times prior to coming to a decision. The numerous and lengthy letters from the appellant affirmed (as did his GCSEs) that he was intelligent and literate and the evidence on mental health as described above was limited, devoid of any formal PTSD diagnosis or medical evidence showing significant mental health difficulties or indeed the prospect of securing such evidence. **AM (Afghanistan)** [2017] EWCA Civ 1123 gives guidance on the approach to vulnerable witnesses but there was nothing to suggest that the appellant was prevented from participating fully in the proceedings. He did not have representation but acknowledged himself that the judge had afforded him ‘a lot of’ opportunities to prepare his case (and thus to secure representation). The judge set out the appellant’s evidence on his mental health at [19] but it was open to the judge to give the weight he did when analysing the

material for himself. Mere disagreement about the weight to be accorded to the evidence, which is a matter for the judge, should not be characterised as an error of law, **Herrera v SSHD** [2018] EWCA Civ 412.

49. From paragraph 34C it is clear that the judge took the medical evidence, as it was, into account. The judge found the health problems were not compelling and that the appellant could continue any '*such treatment as he has begun/been recommended to begin in Jamaica which has a fully functioning health system'*. It is not made out that the judge failed to consider relevant evidence, including letters from family and friends, which favoured the appellant's case and the judge's findings on mental health, which he evidently found of limited significance, were open to him. The contradiction in approach and findings was apparent rather than real. The mental health issue had been addressed and within that context, the judge clearly made an individualised assessment at paragraph 34D, proceeding on the basis that although the appellant did not know anyone in Jamaica and had no family there on return, contrary to the grounds, his mental health difficulties were limited, and he could return.

50. Turning to ground (ii) a careful reading of the decision showed the judge was obviously aware of the length of residence that the appellant has undertaken in the UK, and this was shown at paragraph 3 of the determination, where the judge set out that the appellant came here in 1992 and had only returned to Jamaica once since arriving in the UK for a short holiday organised by family members. Section 117C (4) (as mirrored in paragraph 399A) reflects the consideration of long residence and provides that Exception 1 applies where—

> *(a) C has been lawfully resident in the United Kingdom for most of C's life,*
>
> *(b) C is socially and culturally integrated in the United Kingdom, and*
>
> *(c) there would be very significant obstacles to C's integration into the country to which C is proposed to be deported.*

51. However, each limb of the exception must be satisfied. With reference to paragraph (b) as to whether the appellant was socially and culturally integrated in the UK, the list of criminal offences, ran to three A4 pages, a selection of which I have set out above. His offences have been ongoing from 1999 until he was detained in 2018. That would significantly undermine the proposition of integration. In terms of integration the judge said stated that the appellant had a *"lengthy and unattractive relationship with the criminal law in the UK. He has offended egregiously on a large number of occasions culminating in the very long sentence he is serving now*". Social and cultural integration in the UK connotes integration as a law-abiding citizen, as held in **Binbuga v Secretary of State [2019] EWCA Civ 551** at paragraph 58. **Bossade** [2015] UKUT 00415 (IAC) confirmed that one is not looking just at how long a person has spent in

the UK, even if that is lawful, but also whether a person is socially and culturally integrated.

52. The judge did not treat the public interest as a fixed interest rather than a flexible or moveable one and was aware that the appellant entered the UK at the age of nearly 14 years. Nor did the judge treat the appellant as being in the UK unlawfully and set out his immigration history.

53. Thus presence in a country from a young age and an absence of connections with the country of return is not a trump card, as held in **Akinyemi v The Secretary of State for the Home Department [2017] EWCA Civ 236** at paragraph 53. Even so, there is no indication that the judge omitted this from his assessment and was fully aware of the same throughout. It was clear that the judge accepted the appellant's length of residence but not the remaining two limbs of Exception 1.

54. The judge also rehearsed that the appellant's offending had been committed whilst on bail. As **Akinyemi** (2017) points out at paragraph 53

> '*The Appellant's record of offending is serious and persistent. The fact that he had an explicit warning in 2011 of the risk of deportation if he continued to offend is a feature to which a tribunal would be entitled to give considerable weight*'.

55. The judge was aware and recorded the appellant's evidence that he had no friends or family in Jamaica and that the appellant was adamant in relation to his offending that "*this time will be different and that he will comply with his medication regime and find employment*" [paragraph 17G]. That was self-evidently open to the appellant on return. At 34D the judge stated: "The fact that the appellant does not know anyone in Jamaica nor has any family there is not compelling. The appellant is an adult with all his faculties and no disabilities." Bearing in mind my findings above and in the light of the overall evidence of which there was none to suggest either very significant obstacles nor very compelling circumstances militating against the appellant's deportation that conclusion was open to the judge, the finding at 34D was an entirely justified statement.

56. The judge factored in at paragraph 31, that the appellant had children in the UK which he loved and cared for but found "the evidence pertaining to the relationship was somewhat difficult to ascertain". The judge had set out the references to the witnesses' statements at paragraph 24. There was no social worker report nor the prospect of securing one to confirm that the effect on the children of the appellant's deportation would be unduly harsh. Although the judge made no mention of the OASys report it was not a material error, again, it did not assist the appellant, as it identified that the appellant had offences of domestic violence recorded against him with more than one of his previous partners and had three children with three different partners and "he is happy to maintain contact with the children but does not wish to become involved with the different

mothers. He feels that he is happier living alone without the complexities of maintaining a relationship upon his release from custody" and indeed, his children in the 30th September 2020 report were recorded as being 20, 17 and 3. It was apparent that the appellant was not motivated to undertake a course centred around domestic violence.

57. At paragraph 34E the judge specifically factored the family connections in the UK. As I have pointed out above, although the skeleton argument submitted to the Upper Tribunal in November 2021 attempted to introduce the 'best interests of the children' ground that was not a ground raised in the grounds for permission to appeal. As there was no evidence that there would be any undue hardship to the children, the judge was entitled to conclude at 34B that there was no evidence of dependency, the appellant had been somewhat 'estranged' and the circumstances did not amount to very compelling circumstances. That was adequately reasoned bearing in mind the judge was fully aware that the appellant had been in detention since 2018.

58. As Lord Wilson, when referring to the appellant's task of establishing very compelling reasons for allowing an appeal, enunciated in **R (Kiarie and Byndloss) [2017] UKSC 42** at paragraph 55

'*every foreign criminal who appeals against a deportation order by reference to his human rights must negotiate a formidable hurdle before his appeal will succeed: …. He needs to be in a position to assemble and present powerful evidence'.*

59. Making a bare assertion that there would be very significant obstacles to integration abroad or very compelling circumstances which militate against integration abroad is different from actually providing evidence of the same and in this case the appellant provided copious quantities of material which fitted that description of bare assertion. Simply, there was no reason why the appellant could not return as a lone adult to Jamaica. The requisite threshold of very compelling circumstances was not reached on the evidence.

60. As the judge stated at paragraph 35 and 36, he took into account all relevant factors but 'none of the matters raised by the appellant come close to amounting to very compelling'…'either individually or cumulatively'.

61. The decision of the First-tier Tribunal shows no error of law which is material and will stand.

Notice of Decision

The appellant's appeal remains dismissed.

Signed Helen Rimington Date 25th January 2022

Upper Tribunal Judge Rimington