



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

Appeal Number: OA/09102/2013

THE IMMIGRATION ACTS

Heard at Manchester

On 1 October 2014

Determination

Promulgated

On 2 October 2014

Before

DEPUTY UPPER TRIBUNAL JUDGE PLIMMER

Between

**AO
(ANONYMITY DIRECTION MADE)**

Appellant

and

ENTRY CLEARANCE OFFICER

Respondent

Representation:

For the Appellant: Mr Atuegbe (Leslie Charles solicitors)

For the Respondent: Mr McVitty (Home Office Presenting Officer)

DETERMINATION AND REASONS

1. The appellant is a citizen of Nigeria. He is the minor son of his mother who resides in Nigeria and his father ('the sponsor') who resides in the United Kingdom. He resides with his grandparents in Nigeria.
2. The appellant appeals with permission against a decision of First-

tier Tribunal Judge Beach dated 13 February 2014 in which his appeal against the refusal of entry clearance was dismissed. Judge Beach found that the appellant had not displaced the burden upon him of demonstrating that the sponsor had sole responsibility and there were no serious or compelling family or other reasons which make it undesirable for him to be excluded from the UK.

3. When granting permission to appeal Judge PJG White observed that in reaching his decision the Judge may have provided inadequate reasons for finding on the evidence that the appellant's mother played a role in his life, such that the appellant's father was not exercising sole responsibility.
4. In oral submissions Mr Atuegbe relied upon the grounds of appeal. He submitted that the Judge erred in his approach to sole responsibility. Mr Atuegbe struggled to identify an error of law and seemed to simply disagree with the Judge's findings.
5. In my view Judge Beach has provided entirely adequate reasons for concluding that the appellant has not displaced the burden of establishing that his father has sole responsibility for him. The Judge was plainly concerned that there was "*very little*" evidence before him to show the sponsor has sole responsibility [14]. The Judge was entitled to reach this finding. I have considered the evidence and it is indeed very sparse indeed.
6. In my judgment the Judge was entitled to find that the evidence strongly suggested that both the appellant's parents have been involved in making important decisions in the appellant's life. The Judge was entitled to draw this inference on the limited material available. That material included an affidavit from the mother that states that she sees her son regularly [12]. That affidavit is also significant in what it does not say. It does not say that the sponsor makes most of the important decisions in the appellant's life but that he has performed his fatherly duties including paying school fees and other expenses. In short, the affidavit does not support the contention that the father has sole responsibility but focuses upon giving permission for the appellant to join his father in the United Kingdom.
7. The grounds of appeal really do no more than disagree with a determination that is sufficiently reasoned.

Decision

8. The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.

9. I do not set aside the decision.
10. The First-tier Tribunal did not make an anonymity order but I do so because this determination refers to sensitive matters relevant to the appellant, who is a child.

Signed:

Ms M. Plimmer
Deputy Judge of the Upper Tribunal

Date:
1 October 2014