



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

Appeal Number: IA/24368/2014

THE IMMIGRATION ACTS

**Heard at Field House
On 10 November 2015**

**Decision & Reasons Promulgated
On 23 November 2015**

Before

DEPUTY UPPER TRIBUNAL JUDGE SHERIDAN

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**JULIA BOAMPONG
(NO ANONYMITY DIRECTION MADE)**

Respondent

Representation

For the Appellant: Mr N. Bramble, Senior Home Office Presenting Officer

For the Respondent: Unrepresented and not in attendance

DECISION AND REASONS

1. Neither the respondent (hereinafter “the claimant”), nor a representative on her behalf, attended the hearing. I nonetheless decided to proceed as the claimant had been given proper notice and had offered no explanation for her absence.
2. The claimant is a citizen of Ghana who was born on 2 March 1988. Her partner, also a citizen of Ghana, was born on 10 May 1986. They have two children, born on 17 June 2006 and 5 February 2011, who are also citizens of Ghana.

3. The claimant first entered the UK on 7 December 2003 on a visit visa which expired on 27 April 2004. Her husband entered in UK in 2004. He was issued an EEA case residence document (Dependent) in 2005 as the dependent of an adoptive father which expired in 2008.
4. In a decision dated 15 May 2014, the appellant (hereinafter “the Secretary of State”) considered whether the claimant satisfied the requirements of Appendix FM and Paragraph 276ADE of the Immigration Rules and concluded that she did not. A decision was made to remove her from the UK under Section 10 of the Immigration and Asylum Act 1999.
5. The claimant appealed and her appeal was heard by First-tier Tribunal (FtT) Judge Kennedy. In a decision promulgated on 13 March 2015 the FtT found that the claimant satisfied the requirements of paragraph 276ADE(vi) because she did not have ties to Ghana and allowed her appeal. The factual findings of the FtT in support of this conclusion included that:
 - a. Her father died she was young and she had been taken away from her family at the age of ten by a lady she met when selling water who subsequently brought her to the UK
 - b. She came to the UK at the age of 15 where she was pressurised into prostitution which she refused and ended up living on the streets.
 - c. She is one of 8 siblings but they are all dissipated
 - d. She formed a relationship with her partner in 2005 and subsequently they have lived together and had two children, both born in the UK
 - e. For the last four years she and her partner have been homeless
 - f. Her children speak English and Ghanaian.
 - g. She and her partner consider Britain their home and are culturally connected to it
 - h. She and her partner have no contact with friends or relatives in Ghana.
 - i. She spent 11 years in the UK during which time she progressed from childhood to adulthood.
6. The wording of paragraph 276ADE(vi) relevant to this appeal, and which was applied by the FtT, is that which was in force between 9 July 2012 and 27 July 2014, which provides that the applicant:

“... is aged 18 years or above, has lived continuously in the UK for less than 20 years (discounting any period of imprisonment) but has no ties (including social, cultural or family) with the country to which he would have to go if required to leave the UK”
7. The grounds of appeal submit that the FtT erred by failing, in its assessment of the claimant’s ties to Ghana, to give adequate weight to (a) the claimant’s children speaking Ghanaian; (b) the claimant’s partner’s brother and sister living in Ghana; (c) the lack of evidence about the

claimant's partner's mother being deceased; (d) the support the claimant could receive from friends in the UK who are members of the Ghanaian diaspora; (e) support the claimant could receive from her church; and (f) the capacity of the claimant to re-establish contact with siblings. The grounds also submit that the Upper Tribunal decisions of *Ogundimu* [2013] UKUT 00060 (IAC) and *Bossadi* [2015] UKUT 00042 (IAC) have not been properly followed or applied.

8. Mr Bramble made brief submissions. Having reiterated that the issue under appeal was the meaning of "no ties" under 276ADE(vi), he argued that although the FtT had identified the relevant legal test and case law, it had reached a conclusion that was not open to it. In particular, he drew a distinction between *Ogundimu* and *Boassdi*, which concerned individuals, with the present case, which concerned a family unit who would be returned to their country.
9. The issue raised in the grounds, and put before me by Mr Bramble, is whether the FtT erred in its consideration of the claimant's ties (or absence thereof) to Ghana. The question of whether this was in fact the correct test for the FtT to apply, given the change in the Rules in July 2014, has not been raised and therefore is not considered in this decision.
10. In *Bossadi*, the Upper Tribunal recently considered the term "ties". The headnote to that case states that assessment of "ties":

"requires a rounded assessment as to whether a person's familial ties could result in support to him in the even to his return, an assessment taking into account both subjective and objective considerations and also consideration of what lies within the choice of a claimant to achieve".
11. There is also helpful clarification of the term "ties" in *Ogundimu* where at paragraph [125] the Upper Tribunal set out factors to take into consideration:

"Whilst each case turns on its own facts, circumstances relevant to the assessment of whether a person has ties to the country to which they would have to go if they were required to leave the United Kingdom must include, but are not limited to: the length of time a person has spent in the country to which he would have to go if he were required to leave the United Kingdom, the age that the person left that country, the exposure that person has had to the cultural norms of that country, whether that person speaks the language of the country, the extent of the family and friends that person has in the country to which he is being deported or removed and the quality of the relationships that person has with those friends and family members."
12. This is a case in which the FtT has carried out precisely the type of rounded assessment required under *Bossadi* and *Ogundimu*. The FtT has had regard, but not limited itself, to all of the factors set out in *Ogundimu* and has undertaken a rounded assessment that includes consideration of the claimant's age of arrival in the UK (15 years old), her absence of contact with or connection to her family (her father died when she was

young, she was separated from her mother at 10 and has not seen her brothers), her cultural connection to Ghana (the judge was satisfied that she has none, although she speaks Ghanaian to her children) and her family circumstances in the UK.

13. The Secretary of State has argued that this case differs to *Bossadi* and *Ogundimu* because the claimant would be returned to Ghana as a family unit with her partner and children and this constitutes “familial ties”. But the FtT has clearly taken into account that the claimant would return to Ghana with her family and it is apparent from the decision that the FtT carefully considered her partner’s ties to Ghana before finding that he has no family capable of giving him and the claimant support.
14. This is a clear and cogent decision in which the FtT has reached a conclusion that was open to it based on the evidence before it.

Decision

- a. The appeal is dismissed.
- b. The decision of the First-tier Tribunal did not involve the making of a material error of law and shall stand.
- c. No anonymity order is made.

Signed



Deputy Upper Tribunal Judge Sheridan

Dated: 19 November 2015