

Sanambar (Appellant) v Secretary of State for the Home Department (Respondent)

Case ID: UKSC 2019/0086

Case summary

Issue

Where a court or tribunal is considering, in accordance with Part 5A of the Nationality, Immigration and Asylum Act 2002 (the 2002 Act), whether the proposed deportation of a "foreign criminal" interferes with that individual's rights to private and family life under Article 8 of the European Convention on Human Rights outweighing the public interest in favour of deportation, how is the test under s117C(4) of the 2002 Act of "very significant obstacles" to integration of that individual in the country to which it is proposed they be deported to be interpreted and applied?

Facts

Mr Sanambar was born in Iran in 1995. He arrived in the UK with his mother in 2005, aged 9. Mr Sanambar went on to commit a number of criminal offences. In 2013, the Secretary of State decided that Mr Sanambar should be deported to Iran, finding that the public interest in deportation outweighed other factors and would not breach his right to private and family life under Article 8 of the European Convention on Human Rights.

Mr Sanambar succeeded in overturning the Secretary of State's deportation decision on appeal to the First-tier Tribunal (FtT). However, the Upper Tribunal (UT) set aside the FtT's decision on the basis the FtT had made a material error of law. The FtT had failed to apply the new formulation of the Immigration Rules and sections 117A-D of the Nationality, Immigration and Asylum Act 2002 and had erroneously focused on Mr Sanambar's ties to Iran under an older formulation of the Rules. The UT re-made the decision and dismissed Mr Sanambar's appeal, finding that while he had been resident in the UK for most of his life and was socially and culturally integrated in the UK, there were not "very significant obstacles" to his integration in Iran. Mr Sanambar spoke Farsi, was intelligent and capable of adapting to life in Iran and had connections there. The Court of Appeal upheld the decision of the UT. Mr Sanambar now appeals to the Supreme Court.

Judgment appealed

[\[2017\] EWCA Civ 1284](#)

Parties

Appellant(s)

Ashkan Sanambar

Respondent(s)

Secretary of State for the Home Department

Appeal

Justices

Lord Reed, Lord Hodge, Lord Sales, Lord Stephens, Sir Declan Morgan

Hearing start date

4 March 2021

Hearing finish date

4 March 2021

Watch hearing

4 Mar 2021 [Morning session](#) [Afternoon session](#)

Judgment details**Judgment date**

16 July 2021

Neutral citation

[2021] UKSC 30