



IAC-AH-CJ-V1

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

Appeal Number: OA/04767/2014

THE IMMIGRATION ACTS

**Heard at Bradford
On 23 July 2015**

**Decision & Reasons Promulgated
On 8 September 2015**

Before

UPPER TRIBUNAL JUDGE CLIVE LANE

Between

**SILIN RAMADAN
(NO ANONYMITY DIRECTION MADE)**

Appellant

and

ENTRY CLEARANCE OFFICER - PARIS

Respondent

Representation:

For the Appellant: Miss R Pickering, instructed by Parker Rhodes Hickmotts,
Solicitors

For the Respondent: Mr M Diwncyz, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant, who was born on 22 July 1993, is a citizen of Syria. She appealed to the First-tier Tribunal (Judge Kelly) against the decision of the respondent dated 19 November 2013 to refuse her application for entry clearance to the United Kingdom in order to settle with her mother (Anifa Alo - hereafter referred to as the sponsor). The First-tier Tribunal dismissed her appeal in a decision promulgated on 17 December 2014. The appellant now appeals, with permission, to the Upper Tribunal.

2. At the appeal hearing before the First-tier Tribunal Miss Pickering [13] accepted that the appellant could not meet the financial requirements of HC 395. The appeal before the First-tier Tribunal had proceeded on Article 8 ECHR grounds only.
3. There are three grounds of appeal. Ground One asserts that the judge failed to have proper regard to the best interests of the appellant's two younger sisters who are living in the United Kingdom together with a half brother. The judge should have considered the best interests of the United Kingdom-based sisters under the principles of *Beoku-Betts [2009] UKHL 303469*. There had been no proper regard to the "thoughts and feelings of the sisters of the appellant" (Grounds [18]).
4. I do not find this ground has any merit. The judge made it clear at [17], whilst he was "bound to be selected in my references to the evidence when explaining the reasons for my decision ... I nevertheless wish to emphasise that I considered all the evidence in the round in arriving at my conclusions". That evidence included written evidence in the form of letters both from the children and from the sponsor which gave details of the extent to which the United Kingdom-based children missed the appellant and wished to have her living with them. Judge Kelly did not need to refer to that evidence specifically but I am satisfied that he has considered it in reaching his decision. There was some evidence of the child B attempting self-harm but there was no expert report or other evidence to indicate that the children living in the United Kingdom would suffer harm if they continued to be separated from the appellant. I have to say that the evidence of the kind submitted expresses little more than the understandable wishes of the children to be reunited with their sister. I am satisfied that Judge Kelly has not ignored or attached inappropriate weight to this evidence as alleged.
5. Ground Two asserts that the judge failed to consider the facts "culturally" (*sic*) and failed to consider that the appellant is unmarried and that in her culture she would be expected to live within the family home. Judge Kelly [22] found that the:

"... appellant's separation from her family was occasioned by force of circumstance ... It was bound to have heightened the appellant's level of maturity and to have accelerated her moving towards independent adult life. I appreciate the sponsor would wish to observe the norms of her cultural background by having her adult daughter live with her until such time as she had married. However, it is also an inevitable consequence of flight from persecution that the cultural ties of the country of origin (Syria) are weakened over time whilst those of the host country (France [where the appellant lives] and the United Kingdom respectively) are commensurately strengthened."

I can identify no problem whatever with that finding. It emerged naturally from the evidence before the judge and the appellant's grounds amount to little more than a disagreement with it. Once again, there was no expert evidence to assist the judge.

6. Ground Three asserts that the judge speculated in reaching findings which were not supported by the evidence. The judge considered the evidence of a psychiatrist who treated the appellant in France but again I can find no error in the findings of the judge at [22] from which I have quoted above. The medical evidence regarding the appellant did not compel a different outcome from that reached by Judge Kelly who noted that, despite her problems, the appellant had “befriended an Egyptian national and was now studying dentistry in France”.
7. In the circumstances, this appeal is dismissed.

Notice of Decision

8. This appeal is dismissed.
9. No anonymity direction is made.

Signed

Date 2 September 2015

Upper Tribunal Judge Clive Lane