



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

PA/13759/2017

THE IMMIGRATION ACTS

Heard at Glasgow
on 18 January 2019

Decision & Reasons Promulgated
on 29 January 2019

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

L E M [A]

Respondent

For the Appellant: Mrs M O'Brien, Senior Home Office Presenting Officer
For the Respondent: Mr J Bryce, Advocate, instructed by Latta & Co, Solicitors

DETERMINATION AND REASONS

1. Parties are as above, but the rest of this determination refers to them as they were in the FtT.
2. This determination is to be read with:
 - (i) The respondent's decision dated 12 December 2017.
 - (ii) The appellant's grounds of appeal to the First-tier Tribunal.
 - (iii) The decision of FtT Judge P A Grant-Hutchison, promulgated on 14 August 2018, allowing the appeal.

- (iv) The SSHD's grounds of appeal to the UT, stated in the application for permission to appeal dated 20 August 2018.
 - (v) The grant of permission by the FtT, dated 30 August 2018.
 - (vi) The respondent's response under rule 24, dated 4 October 2018, stating the appellant's grounds for resisting the SSHD's appeal, and grounds on which he was unsuccessful in the FtT, but on which he again relies.
3. The grounds, in substance, disagree with the FtT's assessment that in terms of paragraph 399 (a) (ii) (b) of the immigration rules it would be unduly harsh for the child [D] to remain in the UK without the appellant. Having considered the submissions of both sides, I am satisfied that nothing can be extracted from the grounds which goes beyond that disagreement.
 4. The FtT's conclusion was rationally open to it, and it has given a legally adequate explanation, which is not shown to have involved the making of an error on a point of law.
 5. The decision of the FtT shall stand.
 6. No anonymity direction has been requested or made.

A handwritten signature in black ink, appearing to read 'Hugh Macleman'. The signature is written in a cursive style with a large, stylized initial 'H'.

18 January 2019
UT Judge Macleman