Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: HU/19535/2016

THE IMMIGRATION ACTS

Heard at Field House	**Decision & Reasons Promulgated**
And via Skype for Business	**On 1 June 2021**
On 14th May 2021	

Before

UPPER TRIBUNAL JUDGE KEITH

Between

MISS CATHERINE BADUA MANGULABAN
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE ENTRY CLEARANCE OFFICER

Respondent

Representation:
For the Appellant: *Mr A Malik*, instructed by Queens Park Solicitors
For the Respondent: Mr S Walker, Senior Home Office Presenting Officer

DECISION AND REASONS

1. These are the approved record of the decision and reasons which were given orally at the end of the hearing on 14th May 2021.

2. Both representatives and I attended the hearing via Skype and hearing was open for public access at Field House. The parties did not object to attending via Skype and I was satisfied that the representatives were able to participate in the hearing.

3. This is the remaking of the decision in the appellant's appeal, on the basis of the right to respect for her family life, against the respondent's refusal on 13th July 2016 of her application for entry clearance for settlement as the then-minor dependent of her mother, a naturalised British citizen, Mrs Emily Mangulabnan. The further background to this appeal is set out in my decision following a hearing on 10th December 2020 in this Tribunal to decide whether the First-tier Tribunal had erred in law in rejecting the appellant's appeal. My error-of-law decision is annexed to this remaking decision.

4. In a decision promulgated on 4th September 2019, Judge Hosie had rejected the appellant's appeal in the context of paragraphs 297(i)(e) and (f) of the Immigration Rules. I determined that there was no error in relation to paragraph 297(i)(f) and preserved the FtT's findings and conclusion on that issue, while finding there to be an error of law and setting aside the FtT's findings in relation to paragraph 297(i)(e). It is the dispute over paragraph 297(i)(e) that is the subject of remaking.

The issues in this appeal

5. Noting the limited scope of remaking, the issues are:

    5.1. Whether the sponsor had sole parental responsibility for the appellant, for the purposes of paragraph 297(i)(e) of the Immigration Rules. The representatives agreed that were I to find that the appellant met the requirement of 297(i)(e) (and the only issue in this regard was the sponsor's sole parental responsibility), this would be determinative of the appellant's human rights appeal.

    5.2. Outside the Immigration Rules, I would also need to consider the well-known authority of Razgar v SSHD [2004] UKHL 27. The questions were:

        5.2.1. Whether the appellant enjoys a family life with the sponsor?

        5.2.2. Whether the refusal of entry clearance would have consequences of such gravity as potentially to engage the operation of article 8?

        5.2.3. Whether such interference was in accordance with the law?

        5.2.4. Whether such interference was necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others?

        5.2.5. If so, is such interference proportionate to the legitimate public end sought to be achieved?

    5.3. In considering the appellant's right to a family life, it was also necessary for me to consider her best interests, as she was a minor at the date of her application.

The gist of the respondent's refusal

6. The core points taken against the appellant were that in its view, the sponsor had shared parental responsibility for the appellant with the appellant's grandparents and her aunt, to whom the appellant turned for guidance.

The Hearing

Document and submissions

7. The appellant provided a bundle of documents, which included her witness statement and that of the sponsor. The bundle was adduced at short notice, on the morning of the hearing, in breach of Tribunal directions. While I make no criticism of Mr Malik, I confirmed to him that disclosure at such short notice, without explanation, was not to be encouraged and I repeat this here for the benefit of the appellant's solicitors. Mr Walker also drew my attention to the decision of First-tier Tribunal Judge Mill promulgated on 3rd January 2019, in respect of the appellant's brother, John Kennedy Mangulabnan (appeal number: HU/06378/2018), where Judge Mill had found that the sponsor had sole parental responsibility for the appellant's brother, where the arrangements for care appeared to be identical to the appellant.

8. On behalf of the respondent, Mr Walker referred to Judge Mill's decision, which had considered and applied, at §12 and §14, the well-known authority of TD ("Sole Responsibility) Yemen [2006] UKAIT 00049. At §15, Judge Mill had found the sponsor to be a credible witness. On the basis of that finding and the witness statement of the sponsor in the bundle before me, which was unchallenged, Mr Walker said that logically, there could be no conclusion other than the appellant's appeal must succeed, on the same basis that the appellant's brother's appeal had succeeded. The only reason he could not make a formal concession was that the impugned decision had been taken by the Entry Clearance Officer and he was instructed by the Secretary of State for the Home Department. He re-emphasised that there was no evidence in respect of the appellant that should lead me to a conclusion different to Judge Mill.

9. On behalf of the appellant, Mr Malik indicated that he had no further submissions to make and I agreed that it was unnecessary for him to do so.

Findings

10. In light of Mr Walker's submissions, for the same reasons that Judge Mill had concluded that the appellant's brother met the requirements of paragraph 297(i)(e), namely that the sponsor had sole parental responsibility for John Kennedy Mangulabnan, I similarly conclude that the same sponsor, Mrs Emily Mangulabnan has sole parental responsibility for the appellant and there are no other requirements of that paragraph that have not been met. The appellant meets the requirements of paragraph 297(i)(e) and that is determinative of her article 8 ECHR appeal.

Decision

11. The appellant's appeal on human rights grounds is upheld. The respondent's decision to refuse the appellant entry clearance breaches the appellant's article 8 rights and is not upheld.

Signed: *J Keith*

Upper Tribunal Judge Keith

Dated: **19th May 2021**

TO THE RESPONDENT
FEE AWARD

The appeal has succeeded. I regarded it as appropriate to make a fee award of £140.

Signed: *J Keith*

Upper Tribunal Judge Keith

Dated: **19th May 2021**

ANNEX: ERROR OF LAW DECISION

Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: HU/19535/2016

THE IMMIGRATION ACTS

Heard at Field House	**Decision & Reasons Promulgated**
And by Skype	**On**
On 10th December 2020	

Before

UPPER TRIBUNAL JUDGE KEITH

Between

MISS CATHERINE BADUA MANGULABNAN
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:
For the appellant: *Mr A Malik*, instructed by Queen's Park Solicitors
For the respondent: Ms S Cunha, Senior Home Office Presenting Officer

DECISION AND REASONS

Introduction

1. These are the approved record of the decision and reasons which were given orally at the end of the hearing on 10th December 2020.

2. Both representatives attended the hearing via Skype and I attended the hearing in-person at Field House. The parties did not object to the hearing being via Skype and I was satisfied that the representatives were able to participate in the hearing.

3. This is an appeal by the appellant, a national of the Philippines, against the decision of First-tier Tribunal Judge Hosie (the 'Judge') promulgated on 4th September 2018, by which she dismissed the appellant's appeal against the respondent's refusal of entry clearance to settle with her mother, Mrs Emily Mangulabnan (the 'sponsor'), a naturalised British citizen. At the time of her application, the appellant was a minor (she was born on 4th June 1998 and applied on 31st May 2016, a few days before her 18th birthday). The basis of the application, and the later issue before the Judge, was the appellant's assertion that she met the criteria of paragraphs 297(i)(e) and (f) of the Immigration Rules, as she sought to join her mother, a British national, who had sole parental responsibility for her upbringing; and in the alternative, that there were serious and compelling family or other considerations which made exclusion of the appellant from the UK undesirable.

4. Following the appellant's application, the respondent interviewed the appellant's grandmother, with whom the appellant resided, on 14th July 2016. The grandmother was asked about the arrangements for the appellant's care and living arrangements. In light of that interview, the respondent rejected the appellant's application in a decision dated 13th July 2016. The respondent noted that the sponsor had lived overseas for at least the last 12 years, the majority of the appellant's childhood and all of the appellant's formative years. The appellant had lived with her father until 2012, when her grandmother and aunt took responsibility for her care and upbringing. The respondent regarded the arrangements for the appellant's current home as satisfactory, as the property had a TV and other household amenities, electricity and running water. The appellant's grandmother confirmed that she and the appellant's aunt made the day-to-day decisions in the appellant's life, and this extended to attending school meetings and they were the people to whom the appellant turned for guidance. Whilst the respondent noted that the sponsor had sent money transfers during 2015 and 2016 and the respondent also considered a small number of photographs, the frequency of remittances was limited, given the period of time in which the sponsor and appellant had remained in contact. The respondent concluded that the sponsor did not have sole parental responsibility since 2012, nor were there serious and compelling family or other considerations.

5. The appellant appealed against that decision, referring to the well-known authority of TD (paragraph 297(i)(e): "sole responsibility") Yemen [2006] UKAIT 00049. The appellant had been without parental supervision of her father since 2012, when the appellant's father had returned the appellant and her brother to the sponsor's care, because of his alcoholism.

6. The respondent maintained her decision in an entry clearance manager review dated 25th November 2016, having reviewed an interim Philippines court order dated 2008, which granted the sponsor temporary custody from 20th May to 5th June 2008, but then ordered the sponsor to return to her father on 5th June 2008. The respondent

concluded that the sponsor appeared only to have custody of the appellant when the sponsor visited the Philippines. Taking into account all of the other circumstances, including living arrangements and the delay between the sponsor being granted permanent residence in the UK in 2011 and only making the application on behalf of the appellant in 2016, the respondent concluded the appellant did not meet the criteria of paragraph 297 of the Immigration Rules.

The Judge's decision

7. The Judge heard evidence from the sponsor, and her husband, Mr Delacruz, the appellant's stepfather. She found that the sponsor maintained regular contact with the appellant, visiting the Philippines approximately once a year for holidays. At §46, the Judge considered the interim Philippines court order granting temporary transfer of custody in 2008. The Judge noted that the evidence was in photocopy form only and that no explanation of been offered as to why the original document was not provided. She placed limited weight on that document, on the basis that it was a photocopy only.

8. At §50, the Judge noted that the money remittances that were limited and chat messages between the appellant and sponsor had not all been translated. There were no school records or certificates. The sponsor had been living separately from the appellant since 2002, when the sponsor first went to work in Hong Kong and then in the UK from 2004. The Judge noted the limited documentary evidence regarding communications with the appellant's school or concerning her medical care (§51). At §52, the Judge noted that the appellant's current legal guardian was her grandmother and, in the circumstances, it was unlikely that either the sponsor or the appellant's estranged father had sole responsibility for the appellant. The judge noted at §53 that the appellant's grandmother had said in interview that she was in charge of day-to-day matters in relation to the appellant. Whilst the sponsor may have significant input, that did not necessarily presuppose that she had sole parental responsibility for her. At §56, the Judge noted that since leaving school, the appellant was not working and was no explanation for why she was not.

9. In relation to paragraph 297(i)(f) (serious and compelling family or other considerations), the Judge analysed the domestic circumstances at §57 to 58 and did not accept that there were such serious and compelling circumstances. Moreover, in a freestanding article 8 ECHR analysis, at §64, the Judge did not accept that, to the extent that family life existed between the sponsor and the appellant, the refusal of entry clearance would be of sufficient gravity to engage article 8, because refusal merely maintain the 'status quo.' Notwithstanding the appellant's best interests as a minor under section 55 of the Borders, Citizenship and Immigration Act 2009, the appellant's best interests were to remain in the culture she knew; supported by the people she knew who and who had brought her up. The Judge concluded that refusal of entry clearance was proportionate.

10. Having considered the evidence as a whole, the Judge rejected the appellant's appeal.

The grounds of appeal and grant of permission

11. The appellant lodged grounds of appeal, which were initially rejected by both the First- tier Tribunal and Upper Tribunal, but that latter refusal was then the subject of a successful 'Cart' judicial review application. The Upper Tribunal's decision refusing permission was quashed by an order of the Honourable Mr Justice Walker and following that order, permission was granted by Vice President Ockelton.

12. The grounds for appeal are essentially as follows:

    12.1. Ground (1) – at §46, the Judge had erred in applying limited weight to copy of the interim court order merely because it was a photocopy. The issue of its provenance or reliability had never been raised by the respondent in her refusal decision and to raise it in the decision was procedurally unfair. Moreover, the Judge had ignored other documents in the appellant's bundle before her, from school, church and community officials.

    12.2. Ground (2) – the Judge had failed to explain why, notwithstanding that she accepted that the sponsor and grandmother were the appellant's main contacts in the case of emergency, she was not satisfied the sponsor had sole responsibility for the appellant.

    12.3. Ground (3) - the Judge had failed to apply the authority of TD, as it was perfectly possible for the appellant's grandmother to have day-to-day caring responsibilities whilst the appellant, while the sponsor retained sole parental responsibility. The Judge had impermissibly considered why the appellant was not currently working when she was a child at the date of her application.

    12.4. Ground (4) - the Judge had failed to consider that sole parental responsibility did not need to be the whole of the appellant's life, provided that it existed at the date of the application.

13. In directions made on 7th September 2020, Upper Tribunal Judge Plimmer also raised the issue that the appellant has a younger brother, born in 1999 who applied for entry clearance to join the sponsor and in a decision promulgated on 3rd January 2019, after a hearing on 19th December 2018, a Judge of the first-tier Tribunal, Judge Mill had allowed the brother's appeal, accepting the sponsor was a credible and reliable witness and concluding that she exercised sole parental responsibility for the sibling. The respondent had not appealed that decision.

The hearing before me

14. I discussed with the representatives the scope of the issues and in particular the issue identified by Judge Plimmer of the relevance of the subsequent decision in relation to

the appellant's younger brother. I drew the parties' attention to the Court of Appeal decision of AL (Albania) v SSHD [2019] EWCA Civ 950, which had considered the reverse situation, namely where there had been a positive initial decision and a subsequent decision in relation to a connected family member, and how the principle of the well-known case of Devaseelan v SSHD [2002] UKIAT 00702 might apply. However, in this case the negative decision was in fact that of the appellant, which was the first decision. Mr Malik confirmed to me that he only wished to refer to and rely on the sibling's decision in the event of any remaking, if I were to find that the Judge had erred in law.

15. I therefore considered the remainder of the grounds. In respect of the parties I was provided lengthy submissions in writing and additional brief oral submissions by the representatives on the day. I summarise these briefly.

The respondent's submissions

16. In written submissions, the respondent submitted that the relevance of the interim court document was limited (it related to a period in 2008, many years prior to the period from 2012 when the sponsor claimed to have sole parental responsibility). The sponsor had been challenged in the hearing before the Judge as to why she had only produced photocopies and the burden was on her to prove the existence of sole parental responsibility. The Judge had clearly considered that the other documents relating to the school principal, church minister and chief community officer which, as I explored with the representatives, had been referred to by the Judge at §14, but nevertheless did not support the contention of sole parental responsibility and essentially were entirely consistent with responsibility shared between sponsor, appellant's aunt and grandmother.

17. Next, the Judge had, in the context of the relevant authority of TD, made all of the relevant findings. The Judge had clearly taken into account the fact that the appellant's father had not been actively involved in the appellant's life at §52 but had nevertheless gone on to consider financial support; annual visits; the appellant's age; and the lack of a clear dividing line between older childhood and early adulthood. All of those were permissible considerations for the Judge to have considered.

18. Crucially, the Judge had been aware of the distinction between the day-to-day care and responsibilities and making the important decisions in the appellant's life and at §54, the Judge had expressly noted that there was an absence of evidence on this point. In the circumstances both the grounds and the further submissions were an attempt to relitigate the appeal.

19. In the oral submissions, Ms Cunha argued that to the extent that the Judge had applied limited weight to the court document, for a different reason, i.e. because of its provenance, to the respondent's reason for applying limited weight to it in her refusal decision, because it was for a temporary period, years before, the result was the same – it did not assist the appellant. The court order merely demonstrated a temporary transfer of custody many years before the application for entry clearance

and therefore was only ever likely to have limited weight attached to it. Put another way, even if it was said that the provenance should not have been challenged, it would have made no material difference to the Judge's decision. It was also inaccurate to say that the respondent had never challenged sole responsibility, as Mr Malik appeared to suggest, and that was clearly an inference that could be drawn from the line of questioning in the hearing before the Judge.

20. The Judge had given detailed reasons at §§39, 40, 47 and 52 to 56, for her conclusions and whilst Ms Cunha accepted that some of the wording in the decision could, if taken in isolation be misconstrued, in particular the suggestion that day-to-day care by the grandmother therefore made it unlikely that either would have sole parental responsibility, (§52), this had to be read in the wider context and in particular the findings at §53. The Judge had made clear and permissible findings and the challenge was no more than a disagreement with those findings.

The appellant's submissions

21. In terms of the appellant's challenge, once again I only summarise the lengthy written submissions, but the crucial point is that first, there had been limited consideration of the extensive evidence provided to the Judge. The Judge had failed to apply the authority of TD and it was not clear whether the observations made about accommodation were relevant to the issue of sole parental responsibility; or serious and compelling family or other considerations, at §§ 47 and 49. Accommodation was not relevant to parental responsibility.

22. Moreover, the Judge had accepted the sponsor's regular travel to the Philippines and regular contact and in those circumstances, it was therefore inexplicable why there had been a finding that there was not sole parental responsibility.

23. Also, critically, there was no need for the sponsor's care and responsibility for the appellant to have been for the whole of the appellant's life, which was suggested in the reasoning at §45. Whilst there may have been references to limited evidence of school, accommodation and medical arrangements, there was nevertheless some evidence, which had been provided in the context of the sponsor's personal statement where she claimed to have assumed sole responsibility for these aspects of the appellant's life.

24. In the circumstances, there had been a failure to engage with, and draw the distinction between day-to-day care and parental responsibility. This distinction had been emphasised at §§49 and 52(vii) to (ix) of TD, which the Judge had failed to apply. For example, the finding at §53 that the grandmother had provided day-to-day support ignored the separate issue of overall parental responsibility and the Judge's reference at §54 to the grandmother's heavy influence over practical day-to-day upbringing did not amount to the Judge properly considering who took the important decisions in the appellant's life. The Judge's reference at the end of §54 to the lack of contact and support for the "*whole 16 years*" of the appellant's life was also not consistent with the proposition, at §28 of Nmaju v Entry Clearance Officer [2001]

INLR 26, that sole parental responsibility did not need to have existed for the whole of a dependent child's life.

Discussion and conclusions

25. I draw the distinction on the one hand between 297(i)(e) on the one hand and 297(i)(f), the first of course dealing with the question of sole parental responsibility and the second dealing with serious and compelling family or other considerations.

26. The only real challenge to 297(i)(f), is said by Mr Malik to be a lack of clarity by the Judge in her findings, specifically whether the findings relating to accommodation in the Philippines are linked to this issue, or the issue of sole parental responsibility. I am satisfied the findings are sufficiently clear and when read in context, clearly relate to serious and compelling family or other considerations. The Judge appropriately considered the nature of the property in which the appellant lives; how many people are living there and whether it is overcrowded (§52). The Judge also considered the level of financial support and all of these findings led up to the Judge's conclusion at §57 that the appellant did not meet the criteria of serious and compelling family or other considerations. In my view, she reached her conclusion with clear and explicable reasons and her decision on this limb, 297(i)(f), discloses no error of law. The Judge's findings and conclusion that the appellant does not meet the criteria of paragraph 297(i)(f) of the Immigration Rules stand and the appellant's appeal on this ground is dismissed.

27. That leaves the issue of the question of paragraph 297(i)(e), namely the question of sole parental responsibility. On the one hand, it is important that I do not construe particular phrases in isolation; that I read the Judge's decision as a whole; and I am equally conscious that the Judge will have heard all of the evidence, which I have not.

28. Nevertheless, I am satisfied that the Judge did materially err in law in relation to paragraph 297(i)(e) in two critical respects. The first respect was in relation to the interim court document, to which I have already referred. On the one hand, I am sympathetic to Ms Cunha's submission that the effect of the assessment by the Judge and the respondent was consistent, namely both had placed limited weight on the court order, the respondent because the court order had referred to a period of temporary grant of custody many years prior to the application for entry clearance, the Judge for a different reason, namely because of the fact that there was no explanation for why it was a photocopy.

29. However, whilst limited weight may be applied in both circumstances, there is an important difference. The issues of whether the document is genuine, and its provenance, goes to the question of the sponsor's honesty and credibility. In circumstances where the credibility is potentially an issue and whether for example it is said that the sponsor in this case was inaccurate in her evidence of describing the circumstances of her parental responsibility, the fact that she may have been willing to produce a document whose provenance was not accepted must, in my view, have been an important factor in the Judge's assessment of the sponsor and accordingly, to

apply limited weight for that reason, when the provenance was never raised in the entry clearance manager review, does amount to a material error, as it relates to the issue of credibility.

30. The second flaw is in the Judge's application of the distinction between on the one hand, day-to-day care, and on the other, sole parental responsibility, with the taking of all the important decisions in the appellant's life, as drawn in TD. As Ms Cunha rightly points out, the Judge reaches a conclusion on that point at §56. However, on reading the paragraphs leading up to that conclusion, which comprise the entirety of the findings of fact from §44 to 56, I accept the challenge that Judge's findings relate to day-to-day care, rather than the issue of sole parental responsibility. This was telling, in a passage I explored with Ms Cunha, about whether the sponsor could nevertheless retain sole responsibility, at §52, which states:

> "Since the separation of the appellant's father and mother, her grandmother has taken over the role of a parent in relation to the appellant along with the sponsor. In such a scenario **it is unlikely that either one of them would have sole responsibility as one of them has the practical day-to-day care of the appellant [my emphasis]**."

31. Whilst Ms Cunha rightly submits that this should be considered in the wider context, nevertheless, the analysis continues at §53, whereby the sponsor's mother is describing a situation of she and the sponsor's sibling engaging in practical day-to-day support for the appellant and discussing this with the sponsor. §53 continues:

> "Albeit the sponsor may have a significant input in the outcome of any discussions regarding the appellant this does not necessarily presuppose that she has sole responsibility for her. There are likely to be situations in which it is simply not possible to contact the sponsor due to the time difference and urgent decisions may need to be taken by the grandmother and her other daughter in relation to the appellant albeit they may discuss the matter later on with the sponsor."

32. §54 follows on:

> "The sponsor and the appellant claimed that it is the sponsor who takes all the important decisions in the appellant's life. There was some inconsistency in the evidence in this regard as between the appellant's grandmother and the sponsor. In reality the practical day-to-day upbringing of the appellant is likely to be heavily influenced by the grandmother."

33. The Judge clearly continues to base the conclusion that the sponsor does not have sole parental responsibility on the findings of the grandmother and aunt's heavy influence and involvement in day-to-day upbringing, which, in my view, conflates the two distinct concepts. In other words, the Judge finds that because the grandmother would have heavily influenced the appellant's day-to-day upbringing, it follows therefore that the sponsor cannot have sole parental responsibility. In doing so, I conclude that the judge impermissibly ruled out a potential scenario

identified by the Tribunal in TD, namely circumstances where a non-resident (typically out-of-country) parent may retain sole parental responsibility whilst somebody else has sole day-to-day care and responsibilities for the dependant child.

34. In the circumstances, whilst the Judge's decision was detailed and well-structured, nevertheless I am satisfied that there was a material error because the Judge failed to apply TD and provide clear reasoning as to why sole parental responsibility was found to be lacking, beyond the issue of day-to-day caring responsibilities.

35. The Judge's findings and conclusions in relation to paragraph 297(i)(e) are unsafe and must be set aside.

Disposal

36. With reference to paragraph 7.2 of the Senior President's Practice Statement, both representatives were agreed that given the limited scope of the issues, it is appropriate that the Upper Tribunal remakes the part of the Judge's decision which has been set aside.

Directions

37. The following directions shall apply to the future conduct of this appeal:

37.1. The Resumed Hearing will be listed before an Upper Tribunal Judge via Skype, at **10.30am on 19th January 2021 for two hours, without an interpreter**, to enable the Upper Tribunal to substitute a decision to either allow or dismiss the appeal in relation to paragraph 297(i)(e).

37.2. The appellant shall no later than 4 PM on **5th January 2021** file with the Upper Tribunal and served upon the respondent's representative a consolidated, indexed, and paginated bundle containing all the documentary evidence upon which she intends to rely. Witness statements in the bundle must be signed, dated, and contain a declaration of truth and shall stand as the evidence in chief of the maker who shall be made available for the purposes of cross-examination and re-examination only.

37.3. The respondent shall have leave, if so advised, to file any further documentation she intends to rely upon and in response to the appellant's evidence; provided the same is filed no later than 4 PM on **12th January 2021**.

37.4. No anonymity direction is made.

Notice of Decision

1. **The decision of the First-tier Tribunal in relation to paragraph 297(i)(f) Immigration Rules did not involve the making of an error on a point of law. The Judge's findings and conclusion on that issue are preserved.**

2. **The decision of the First-tier Tribunal in relation to paragraph 297(i)(e) Immigration Rules, specially whether the sponsor has had sole responsibility for the appellant's upbringing, did involve the making of an error on a point of law. The Judge's findings and conclusion on that issue not safe and must be set aside.**

Signed *J Keith* Date: 17th December 2020

Upper Tribunal Judge Keith