



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

Appeal Number: IA/33151/2014

THE IMMIGRATION ACTS

Heard at Manchester

On 5th May 2015

**Determination
Promulgated**

On 26th May 2015

Before

DEPUTY UPPER TRIBUNAL JUDGE BAIRD

Between

**MISS ANGELA ASANTE-AMPOFO
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Salam – Solicitor of Salam & Co

For the Respondent: Mr G Harrison – Senior Home Office Presenting Officer

DECISION AND REASONS

1. This is an appeal by Angela Asante-Ampofo, a citizen of Ghana born 16th February 1982. She appeals against the determination of First-tier Tribunal Judge Landes issued on 5th January 2015 dismissing her appeal against the decision of the Respondent made on 31st July 2014 to refuse to grant further leave to remain in the UK on human rights grounds.
2. On 20th February 2015 First-tier Tribunal Judge P J M Hollingworth granted permission to appeal. He said:

“An arguable error of law has arisen in relation to the applicable Rules at the relevant time. A further arguable error of law arises in the context of the availability of evidence in relation to the application of Article 8 given the history of the case which the Judge has set out under the heading of ‘The Proceedings’.”

3. Essentially what is submitted in the grounds is that the Judge misdirected herself in law with regard to the date of the coming into force of the amendment set out in HC 532, paragraph 276ADE(vi) of the Immigration Rules. It is submitted that because the application was made on 2nd June 2014 the test that should have been applied was whether it can be established that the Appellant “has no ties (including social, cultural or family) with the country to which she would have to go if required to leave the UK”. The new provision which came into effect from 28th July 2014 requires that the Appellant established that there are significant obstacles to integration in the country to which she would have to go if required to leave the UK.
4. The second submission relates to Article 8. It is submitted that the Judge erred in carrying out no proportionality exercise as required and jumped to her conclusion without giving adequate reasons for the removal being proportionate. She carried out no balancing act.
5. The amendment to paragraph 276ADE(vi) came into force on 28th July 2014 and was said to apply to all applications which are *decided on or after 28th July 2014*. That applies in this case. The Judge applied the correct provision. There is therefore no merit in the first submission of the Appellant and there is no error of law in relation to the applicability of paragraph 276ADE(vi). Mr Salam conceded that.
6. In relation to Article 8 the submission of Mr Harrison was that the appeal was decided on the papers and as such the Judge did not need to do any more than she did. In fact it is clear that the Judge was aware of the Appellant’s circumstances. There were some health issues. These were set out and taken into account. The Appellant had had ample time to submit further evidence if she so wished. The Judge noted that there was no indication of family life in the UK and so considered only a private life. She noted that there was no evidence that the Appellant’s health continued to cause her problems. She noted that the Appellant had bought a ticket to return to Ghana which indicates that she was prepared to return there. She took into account Section 117B of the Nationality, Immigration and Asylum Act 2002. I can see no material error of law in the assessment of interference with the Appellant’s private life made by Judge Landes.

Decision

I find that there is no material error of law in the determination of the First-tier Tribunal and that decision shall stand.

No anonymity direction is made.

Signed

Date: 18th May 2015

N A Baird
Deputy Judge of the Upper Tribunal