



**Upper Tribunal
(Immigration and Asylum Chamber)
HU/06973/2015**

Appeal Numbers:

HU/06974/2015

HU/06975/2015

HU/06976/2015

THE IMMIGRATION ACTS

Heard at Field House

Decision & Reasons

On 15 June 2017

Promulgated

On 5 July 2017

Before

**DR H H STOREY
JUDGE OF THE UPPER TRIBUNAL**

Between

**RHEA LACHICA (FIRST APPELLANT)
ROMMEL LACHICA (SECOND APPELLANT)
CHINO ANGELO LACHICA (THIRD APPELLANT)
C A (FOURTH APPELLANT)**

(ANONYMITY DIRECTION MADE IN RESPECT OF FOURTH APPELLANT ONLY)

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Mr M S Kamal, Legal Representative, Immigration Solutions Ltd

For the Respondent: Mr N Bramble, Home Office Presenting Officer

DECISION AND REASONS

1. The first appellant is a citizen of the Philippines. She had appealed along with three other members of her family including the third appellant against a decision made by the respondent on 14 September 2015 refusing leave to remain on family and private life grounds. In a decision sent on 30 November 2016 First-tier Tribunal Judge Ford allowed the appeals of the parents and the younger child (the fourth appellant), but dismissed the appeal of the third appellant because by the date of application he had turned 18 and she was not satisfied there would be very significant obstacles to his integration back into Filipino society. This appeal is only therefore about the third appellant. In respect of his appeal, the judge said that:

“[w]hilst it is understandable that he wishes to remain in the UK and complete his university studies here (the evidence was that having completed his secondary education, he had secured an offer of a place on a Creative Writing Degree course at the University of Bedfordshire but had been unable to take it up because of his immigration status). I am not satisfied that he will be unable to achieve his ambition in the Philippines or indeed by returning to the Philippines and applying for student only clearance to return to the UK as a student in the same way his mother did. I am not satisfied that there would be very significant obstacles to [his] integration in the Philippines if required to leave the UK ...”

2. The grounds of appeal contend that the judge’s decision was unfair and failed to consider his case as a whole and in particular had not weighed sufficiently in the balance that he had a genuine and subsisting relationship with his parents, had spent more than half his life in the UK, had come to the UK when he was only 11 years old, he “does not know anyone anymore in the Philippines”; he does not speak the Filipino language; all his family are in the UK; he is living with his parents who are continuing to support him financially and in all respects; he is a young adult and there was evidence that it would be “excruciatingly difficult” for the family to relocate to the Philippines to live with him there; now he is reaching the age where he has finished his education and is likely soon to be a productive member of society working and paying taxes back to the State that has hosted him; he cannot be blamed for his presence in the UK and would be desperately affected by the expulsion.
3. I heard submissions from both representatives. Mr Kamal sought to rely, inter alia, on **PD and Others (Article 8 - conjoined family claims) Sri Lanka [2016] UKUT 108 (IAC)**. He also made reference to Strasbourg jurisprudence which had accepted that young adults still in education could still retain family life with their parents.

4. I am not persuaded that the judge materially erred in law. It may be that another FtT judge would have come to a different decision but I cannot interfere in the judge's decision unless satisfied it is vitiated by legal error.
5. I do not consider that the judge erred in concluding that the third appellant did not meet the requirements of the Immigration Rules. Contrary to what is asserted more than once in the grounds, the third appellant had not spent more than half his life in the UK. It cannot be said that the judge failed to consider that as a dependent young adult the third appellant could still have a "family life" with his parents and sibling in the UK within the meaning of Article 8, because at paragraph 43 the judge expressly found he had both private and family life ties in the UK. The judge also expressly considered his situation as "part of a family unit" (paragraph 45). In relation to the appellant's age, it was entirely open to the judge to consider that he was at an age where the impact of physical separation from his parents was no longer significant, noting that he was planning a university career. It cannot be said that the judge treated as adverse to the third appellant his parents' immigration history, since at paragraph 28 he expressly found that the whole family had 'a good immigration history'. The judge clearly gave full consideration to the third appellant's family, social, cultural and educational ties to the UK: see paragraph 39. The judge also gave careful consideration to the third appellant's likely ties back in the Philippines. The judge considered the issue of his ability to adapt to life there. The grounds are incorrect to assert that it was accepted that the third appellant had no knowledge of the Filipino language. At paragraph 33 the judge found that the third appellant had some level of understanding of Tagalog and could acquire a much better knowledge of it on return as he had lived in the country for eleven years of his life and would still have linguistic, cultural and social ties with that country. It was also open to the judge on the evidence to conclude that the third appellant had remaining ties there which on the family's own evidence included grandparents.
6. Looking at the judge's decision as a whole, it is clear that the third appellant's grounds amount to no more than a series of disagreements with the judge's own assessment of the relative weight to be accorded to his family and private life ties in the UK and the public interest in removing persons without leave unless they meet the requirements of the Immigration Rules or can show compassionate circumstances outside the Rules. On both counts the judge made very clear that the third appellant did not succeed.
7. For the above reasons I conclude that:

The FtT judge did not materially err in law and the decision to dismiss the third appellant's appeal must stand.
8. I would only add the following observation. It was clearly within the contemplation of the FtT judge when assessing proportionality that if the

third appellant could not pursue his wish to do university studies in creative writing in the Philippines, it would be open to him to apply to come to the UK as a student for that purpose. Given the judge's finding that the third appellant's family has a "good immigration history", I would hope that in the context of any future entry clearance application the third appellant might make, his previous history of entry into and stay in the UK and his involvement in litigation seeking to secure his stay, will not be held against him.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the fourth appellant is granted anonymity. This direction applies both to the fourth appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed

Date: 4 July 2017



Dr H H Storey
Judge of the Upper Tribunal