



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

Appeal Number: RP/00094/2019

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 15 December 2021**

**Decision & Reasons  
Promulgated  
On 24 February 2022**

**Before**

**UPPER TRIBUNAL JUDGE OWENS**

**Between**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**and**

**MAM  
(ANONYMITY DIRECTION MADE)**

Respondent

**Representation:**

For the Appellant: Mr T Lindsay, Senior Presenting Officer

For the Respondent: Miss V Easty, Counsel instructed by Duncan Lewis  
Solicitors

**DECISION AND REASONS**

1. MAM is a citizen of Afghanistan born on 15 September 1995. The Secretary of State appeals against the decision of First-tier Tribunal Judge Burnett sent on 1 September 2021 allowing MAM's appeal against a decision dated 5 August 2019 to refuse his protection and human rights claim. Permission to appeal to the Upper Tribunal was granted on 23 September 2021 by First-tier Tribunal Judge Grant.

## **MAM 's Background**

2. MAM originally entered the United Kingdom illegally in 2010 and claimed asylum on 1 December 2010 on the basis that his father was a senior Hesb-i-Islami member and was murdered in front of him when he was a child. He was granted discretionary leave to remain on 28 January 2011. He appealed against that decision. His appeal was allowed on asylum and Article 3 ECHR grounds. MAM was subsequently granted asylum in the United Kingdom.
3. On 4 July 2018 MAM was convicted of possession with intent to supply class A drugs, (heroin), at Maidstone Crown Court. He was sentenced on 22 November 2018 to 48 months' imprisonment and ordered to pay a victim surcharge of £170. On the same occasion, MAM was also convicted of possession with intent to supply class B drugs, (cannabis), and sentenced to imprisonment for a concurrent period of 48 months.
4. On 30 November 2018 MAM was served with a notice of intention to deport. The notice also included a Notice pursuant to Section 72 of the Nationality, Immigration and Asylum Act 2002 ("s72") and a "one stop warning". On 22 January 2019 MAM expressed a fear of returning to Afghanistan and stated that he had family and private life in the United Kingdom. MAM was notified that the Home Office intended to revoke his refugee status and would seek the view of the UNHCR. In a letter dated 29 April 2019, the UNHCR stated that in order to revoke MAM's refugee status there needs to be a fundamental and durable change in Afghanistan of a significant and non-temporary nature. The view of UNHCR is that there remain significant security and protection concerns in Afghanistan. On 5 August 2019 the respondent decided to revoke MAM's refugee status; that he should be excluded from the Refugee Convention pursuant to s72; excluded from humanitarian protection and that it would not be a disproportionate interference with his private and family life to deport him from the United Kingdom.

## **The Respondent's Decision**

5. The respondent decided that MAM has been convicted of a "particularly serious crime" because of the adverse effect of drug-dealing which directly and indirectly affects the wider community. The respondent considers that MAM's continued presence in the United Kingdom constitutes a danger to the community. MAM has not shown that he has reformed himself or demonstrated what measures he has put in place to prevent him from engaging in criminal activity in the future. He has not addressed his offending behaviour. The most recent conviction shows a significant escalation in the seriousness of his offending. The respondent concluded that MAM does constitute a danger to the community and that s72 applies to him.

6. The respondent also concluded that in the light of MAM's conviction he is also excluded from humanitarian protection pursuant to paragraph 339D of the Immigration Rules because there are serious reasons for considering that he constitutes a danger to the community or the security of the United Kingdom and because there are serious reasons for considering that he has committed a serious crime for the same reasons that the s72 certificate applies to him.
7. The respondent also decided to revoke MAM's refugee status on the basis that he is no longer at risk in Afghanistan because the circumstances in connection with which he was recognised as a refugee have ceased to exist and he can no longer continue to refuse the protection of his country of nationality. It was previously accepted by the First-tier Tribunal in 2011 that MAM's father had a prominent position with the Hesb-i-Islami and that MAM was at risk from the Taliban. However, it is now considered that the Afghan government has a peace agreement with that organisation and persecution from the government due to MAM's father's connection with this group no longer exists. The respondent also had regard to AS (Safety of Kabul) [2018], in which it was said that a person of lower-level interest to the Taliban is not at real risk of persecution in Kabul. It is considered that MAM could return safely to Kabul. MAM lived in Afghanistan until the age of 15 and would be familiar with the customs and culture in Afghanistan. His relocation to Kabul would not be unreasonable or unduly harsh.
8. Further, it is not considered that MAM is at risk because he has become "westernised". The respondent took into account the views of the UNHCR. The position of the respondent is that the changes in Afghanistan are sufficiently significant and durable to apply Article 1C(5).
9. The respondent considers that MAM's deportation is conducive to the public good and is in the public interest because he has been convicted of an offence for which he has been sentenced to a period of imprisonment for at least four years. The public interest requires his deportation unless there are very compelling circumstances over and above those described in the exceptions to deportation set out at paragraphs 399 and 399A of the Immigration Rules. The respondent considers that MAM has not demonstrated that he is the biological father of a child nor that he has a genuine and subsisting parental relationship with that child nor is it accepted that he is in a genuine and subsisting relationship with his partner, nor that it would be unduly harsh for her to remain in the United Kingdom without MAM. In terms of his private life, it is not accepted that MAM is socially and culturally integrated into the United Kingdom because of his criminal offending and his lack of rehabilitation. MAM still has ties to Afghanistan because family members remain there. He also has cultural and social ties. It is considered that MAM has failed to demonstrate that there would be very compelling circumstances which outweigh the public interest in deporting him.

## **The Decision of the First-tier Tribunal**

10. At the hearing, the Secretary of State gave consent for the Tribunal to consider a change of facts in that MAM's partner was by that time pregnant. It was agreed that MAM had a well-founded fear of persecution in his home area. The question regarding cessation was whether MAM could relocate internally.
11. It was accepted that MAM has a genuine and subsisting relationship with his partner and that the relationship was formed when MAM had refugee status and therefore lawful leave in the United Kingdom.
12. The judge first turned to the issue of cessation of refugee status. The judge noted that shortly prior to the hearing, the Taliban had taken full control of Afghanistan and that the Afghan government had fled. The judge found that there was a non-durable change in Afghanistan. The judge took into account that the Secretary of State's position is that MAM still has a well-founded fear in his home area but he can relocate to Kabul. Given the current evacuation of many Afghans from Kabul, the judge found that MAM could not safely relocate to Kabul. The judge found that the Secretary of State has not discharged the burden of proof in respect of cessation of refugee status.
13. The judge turned to S72 of the Nationality, Immigration and Asylum Act 2002. The judge took into account MAM's convictions and the judge's sentencing remarks.
14. The judge then accepted MAM's evidence and that of his partner that he was making positive changes and would not be a danger to the community in future. The judge took into account a copy of an OASys Report dated 27 November 2019 and noted that MAM remains on criminal licence until June 2022. The judge noted that MAM has accepted full responsibility for the offences and has been working with the Forward Trust to address his drug offending. The judge accepted MAM's partner's evidence that he was making steady progress and that he has the positive support of his partner, with whom he intends to build a life. The judge found that although MAM has committed a particularly serious crime, he is not a danger to the public such that he should be excluded from the Refugee Convention. The judge discharged the Section 72 certificate and allowed the appeal on asylum grounds.

### **The Grounds of Appeal**

15. The Secretary of State's grounds of appeal all refer to the judge's decision in respect of the Section 72 certificate. There is no challenge to the judge's decision that Secretary of State has not discharged the burden of proof in respect of cessation of refugee status.

Ground 1: Section 72 certificate: inadequate reasoning/failure to take into account material matters (sic)

16. It is submitted that at [55], in finding that MAM “now” has a partner who gives MAM positive support, the judge failed to engage with MAM’s evidence that he and his partner have been in an “on-off” relationship for three years. The relationship therefore predates MAM’s offending. Further, the partner confirms in her witness statement that she was previously unaware of MAM’s offending. It is submitted that the judge failed to acknowledge that this relationship arose prior to the index offence and that MAM previously kept his offending from his partner. In doing so, it is said that the judge has given inadequate reasons as to why the partner would have any positive effect on MAM’s propensity to re-offend in the future.

Ground 2: Section 72 certificate: inadequate reasons/failure to take into account material matters/material misdirection of law(sic)

17. The judge has noted that MAM is on criminal licence until June 2022 but fails to factor in that MAM’s current risk is being managed in the community by virtue of the licence.
18. It is submitted that if MAM fails to comply with the terms of the licence he stands to be recalled to prison to serve out the rest of his sentence. It is submitted that while this is a powerful deterrent, this does not mean that MAM is not a danger to the community. It is submitted that managed risk does not mean no risk. The Secretary of State refers to [59] of Chege (“is a persistent offender”) [2016] UKUT 00187 (IAC) and Binbuga [2019] EWCA Civ 551 in this respect.

Ground 3: Section 72 certificate: Inadequate reasons/failure to take into account material matters(sic)

19. The judge noted that the OASys Report identifies “problem solving”, “drugs” and “finances” as risk factors underpinning MAM’s offending. The judge appears to implicitly accept MAM’s evidence that his offending was to pay off his own drug debts. As such, because the judge is satisfied that MAM is now drug-free, the judge finds that he no longer has any reason to commit further offences. It is submitted that there was nothing in the evidence to suggest that the Forward Trust have supported MAM in dealing with his problem solving and financial issues. The judge failed to give adequate reasons for assessing the root of MAM’s risk of reoffending purely on the basis of drug debts. Even taking MAM’s evidence at its highest that he is drug-free, the judge ignores evidence that there were other causes behind MAM’s financial difficulties and that poor financial management is in fact an independent risk factor to his drug use. The OASys Report also referred to MAM’s poor problem solving which led to adjudications whilst in custody. The judge has failed to provide adequate reasons to show how MAM has addressed the root causes of his offending.

## **Rule 24 Response**

20. MAM opposes the Secretary of State's appeal and argues that the grounds of appeal do not disclose any error of law whether material or not. It is said that the Secretary of State has taken the word "now" out of context. The judge is looking at the word "now" when comparing MAM's troubled past with the changes since then. The judge has given a wholly adequate and reasoned decision. The Secretary of State's original submissions are set out by the judge. At that stage the Secretary of State did not raise the point that MAM and his partner had been a couple during the period of offending. This is an attempt to re-argue the case. The judge has given his reasons at [58]. He finds that the partner has seen MAM make steady progress and access help and that they intend to build a life together and she is pregnant. The judge has fully reasoned why he considers that MAM is not a danger to the public. The Secretary of State suffered no unfairness. It was open to the Secretary of State to argue that MAM's partner could not influence him because she had not done so in the past but the Secretary of State failed to make such a submission either in writing or at the hearing or at all.

### Ground 2

21. It is said that it is difficult to understand the second ground. The ground seems to suggest that the judge gave weight to the fact that MAM was on a licence in assessing his risk. The judge mentions the licence at [57]. In fact, the judge gave no weight, positive or negative, to the existence of the licence. It is not mentioned. The only time it is mentioned in the decision is in the context of setting out the contents of the OASys Report. The judge does not find that the fact of the licence indicates a lower risk of offending as the grounds suggest. The judge's findings are adequately reasoned.

### Ground 3

22. The judge did not err by failing to consider that MAM had a problem with gambling. In the OASys Report gambling is not mentioned as a problem linked to offending and the report writer does not highlight gambling as a risk factor. It is not mentioned in the decision letter or in the summary of the Secretary of State's submissions at the hearing which have not been challenged in any way. This is an attempt by the Secretary of State to re-argue the case. The judge correctly identified the reasons for MAM's offending, namely drug addiction. The issue of gambling was not raised in cross-examination or at the hearing. The judge considered the OASys report and found that there was a low risk of harm to the public and others. The matters that the Secretary of State relies on in the grounds did not alter the OASys report's assessment of risk which the judge accepted. The judge took into account the points raised in the report. Throughout the OASys report MAM's financial issues and problem solving are linked to his drug use. This does not amount to an error of law. The adjudications in prison did not alter the OASys report's assessment of risk. The Secretary of State does not challenge the OASys report. The judge

rightly considered the factors which were important. The grounds do not amount to errors of law.

### Legal Submissions

23. Mr Lindsay for the Secretary of State confirmed that he had received the Rule 24 response and agreed with a couple of the points made by the appellant.
24. In respect of ground 1, he agreed that that the previous evidence was that the relationship was “on and off”, which he conceded is clearly potentially different to the now more settled relationship between MAM and his partner. He conceded that at MAM’s response to ground 1 is sufficient to meet this ground.
25. In respect of ground 2, Mr Lindsay also confirmed that he also had difficulties in identifying what was said to be the precise error of law and he did not make any further submissions on this asserted error.
26. Mr Lindsay’s main submission was in respect of ground 3. He submits that the judge materially erred by failing to take into consideration several material factors and for this reason the reasoning is flawed. He agreed that MAM’s offending was motivated on any view by financial pressures partly arising from his own drug use or habit. He concedes that the judge’s reasoning in respect of the drugs is adequate and that this is not challenged in the grounds. Nevertheless, he submits that there is a broader issue regarding financial pressures impacting on MAM’s risk of offending in the future. It was noted in the OASys Report that MAM owed money to a bank and had problems with gambling. Those factors materially contribute to his risk of reoffending and therefore his risk to society in accordance with S72. This was not considered in the relatively short reasons statement.
27. According to Mr Lindsay, the judge’s reasoning in respect of the existence of a stable relationship with the partner and the child was that this was a protective factor which would encourage him not to offend. However, he asserts the difficulty is that it is obvious that MAM previously committed crime for money and another mouth would add financial pressure. The judge failed to consider “the other side of the coin”. His final point is that the question of the three adjudications in custody within nine months, did not feature in the judge’s reasoning. The judge’s conclusion that MAM has made steady progress is insufficient and inadequate, given the further offences committed whilst in custody.
28. In response, Miss Easty addressed ground 3 only. She pointed to the fact that the judge set out at length the respondent’s submissions in his decision at [33]. The Secretary of State made no mention or no submission that the adjudications were a relevant factor. There have been no convictions and no arrests. There is no suggestion that the judge has incorrectly recorded the representative’s submissions. This factor was not

argued by the Secretary of State and in her view is manifestly an attempt by the Secretary of State to re-argue the case. She submitted that the OASys Report made it clear that MAM owed £8,200 on drugs and that this was the primary motivation for his offending. He mentioned gambling in passing but the OASys Report does not identify gambling as a factor which would contribute to future offending. His motivation is said to be financial in relation to his drug use. It is MAM's drug misuse and emotional vulnerability which makes him at risk of offending. A proper reading of the report does not support the case in relation to gambling and this submission is not made out. The judge deals with the OASys Report at [58]. The judge finds MAM's partner to be frank and candid. The judge notes the positive factors and the low risk of harm. There was no challenge to the summary of evidence by the Secretary of State.

## **Discussion and Analysis**

### Ground 1

29. Mr Lindsay conceded that this ground is not made out because the evidence is that MAM and his partner previously had an unstable relationship which can be contrasted with the much more settled current situation. The use of the word "now" explicitly refers to a change of circumstances to which the judge was entitled to have regard. I am in agreement. This ground is not made out.

### Ground 2

30. Mr Lindsay conceded that he did not understand how this ground constitutes an error of law. The judge mentions the licence at [57] in the context of setting out the contents of the OASys Report. I am satisfied that the judge gave no weight, positive or negative, to the existence of the licence. The judge does not find that the fact of the licence indicates a lower risk of offending as the grounds suggest. The judge's findings are adequately reasoned in this respect. This ground is not made out.

### Ground 3

31. The Secretary of State's submission is that when finding that MAM does not represent a danger to the community, the judge has failed to take into account material factors which would increase his risk of re-offending. The judge's analysis of future risk is therefore inadequately reasoned and flawed.
32. I turn first to the reasons given by the Secretary of State for applying a s72 certificate. MAM does not dispute that he has been convicted of a particularly serious crime. In respect of MAM's danger to the community, the Secretary of State states:

"By the very nature of your offence you were involved in a crime that preyed upon the vulnerability of those who have an addiction to these drugs and you had no regard for the impact these drugs have on the fundamental



interests of society which by their very nature have a disproportionate effect on society as a whole.

It has not been shown how you are attempting to reform yourself or what measures are being put into place to prevent you from engaging in such activity in the future. You have also not provided any evidence of any rehabilitative programmes to address your conviction.

It is also noted from the judge's sentencing remarks that you have been before the courts on four previous occasions in respect of six separate offences. It is considered that the fact that you have continued to offend indicates that you have no regard for the laws of the UK and you have not previously addressed your offending despite the penalties imposed upon you by the courts. It is also considered that your most recent conviction shows a significant escalation in the seriousness of your offending and this is reflected in the sentence imposed".

33. From this, it is manifest that the view of the Secretary of State is that MAM represents a danger to the community because he has four previous appearances before the courts, there is an escalation in his offending and he has not provided evidence of how he is attempting to reform himself or put in place measures to prevent himself from re-offending. There is no mention of gambling, financial problems or adjudications in these reasons.
34. The judge set out this reasoning at [18] in some detail and was clearly aware of the reasons given by the respondent.
35. The judge recorded the Secretary of State's submissions at [33]. In relation to the issue of whether he is a danger to the community the judge records the following submission made on behalf of the Secretary of State:

"The appellant had not taken responsibility for his offending. There were children living at the premises where the offences took place. This set out the serious nature of the offences for which the appellant had not taken full responsibility and so he had not fully reformed his character. Ms Deborah referred to the OASys report and stated that the appellant had problems managing debt. There were a number of factors listed including that the appellant struggled to control his temper. She referred to the assessment that the appellant was a medium risk of reoffending and drew emphasis to the trigger points. She submitted that the appellant did represent a danger to the community".

36. From [52] the judge turns to MAM's offending history and character. At [52] the judge notes the nature of the index offence and takes note of the fact that the appellant has 4 previous convictions for 6 offences which include offences against the person, offences relating to the Police, Court and prisons and drugs offences. The judge takes into account the sentencing remarks and in particular notes at [54]

"The judge also stated the following "You were 22 at the time of these offences. I note that you have troubled and difficult history for which of course you deserve sympathy. She tells me that she got into drug dealing because you had incurred debts because of you own drug habit and were

dealing in order to service that debt, and no doubt in part to feed your habit”.

37. The judge is entitled to give weight to the judge’s sentencing remarks that that MAM’s debts arose as a result of his drug use.
38. The judge then goes on to consider MAM’s current situation in that he now has a stable relationship with his partner and is expecting a baby.
39. At [56] the judge sets out the partner’s evidence that MAM is making positive changes, would not be a danger in the future, that he has been supportive in her pregnancy, that she was providing financial support, that he had made steady progress and is accessing help. At [58] the judge gave his reasons for accepting her evidence. He stated that she was a frank and candid witness and that he accepted that she has seen a change in the appellant and steady progress.
40. There is no challenge to the judge’s findings in relation to MAM’s partner’s evidence. It is trite law that it is for the trial judge to evaluate the credibility of a witness who will have given oral evidence and been cross examined in front of the judge. The judge has manifestly given adequate reasons for accepting her evidence and from a reading of the evidence as a whole, I am satisfied that the OASys report repeatedly refers to a stable relationship with his partner, reducing the risk of MA re-offending. The instructing Psychiatrist also refers to MAM reporting that he has a stable relationship with his partner. The couple have moved away from MAM’s previous associations in Maidstone and are living together.
41. The judge then turns to the OASys report which was completed on 27 November 2019.
42. The judge’s analysis of the report is at [57]:

“It is stated that the appellant’s motivation for the offence was financial and in order for the appellant to feed his own drug habit. The appellant was stated to now accept full responsibility to for the offences”.
43. The judge goes on to record that the report stated that MAM would live with his partner on release and that he was working with “Forward Trust to address his drug offending. The judge states:

“It is concluded that there was a medium risk of re-offending but that his risk of harm to the others in the community was assessed as low”.
44. It is manifest that the judge has had regard to the entirety of the report.
45. At [58] the judge states:

“The factors which have led to the appellant’s offences in the past have included his problem-solving skills, his own drugs habit and financial reasons. I accept the appellant’s evidence that he has not taken any drugs since he has been in prison and that he has had negative drugs test results.

I accept that he has made steady progress to address his offending behaviour and now has the positive support of his partner with whom he intends to build a life. She is now pregnant, and I consider that these are positive factors which will help reduce the likelihood of the appellant re-offending in the future. I note also that the author of the OASys considered that there was low risk of harm to the public and others”.

46. It is clear from the OASys report that problem solving, drug use and financial management are considered to be risk factors for MAM re-offending. I do not agree that the judge has not taken these factors into consideration. They are all mentioned at [58] above. The judge has not failed to take into account material factors.
47. The primary risk factor identified in the report is the appellant’s drug use. It is accepted by Mr Lindsay the judge’s approach to this issue is not challenged.
48. I am in agreement with Ms Easty that when the OASys report refers to “problem solving”, this is in the context of his drug use. Question 11 of the OASys report deals with “Thinking and Behaviour”. It is said the thinking and behaviour is linked to his offending behaviour which in turn is related to drug use.

“Mr M showed deficits in his problem-solving skills by dealing drugs to try and get himself out of debt”.

49. The judge has rationally linked MAM’s problem-solving skills to his drug use and found that since MAM has been drug free for some time, is seeking help and has made progress that this is a factor which will reduce his risk of re-offending. I am satisfied that this is adequately reasoned.
50. Mr Lindsay states that poor financial management is a separate head of risk which the judge has not addressed, and which would make a material difference to the assessment of risk. My view is that the judge had read all of the evidence and was aware that this was a risk. The judge was aware that MAM owed money to the bank as well as the drug debt. In MAM’s self-assessment form, MAM considers that problems that are linked to his offending are drugs, managing money and dealing with debts. At page 70 of the report, it is said that factors to increase risk are unemployment or using drugs and that factors and actions which reduce risk, include gaining employment, abstaining from drug use and maintaining a positive relationship with his partner.
51. The judge has had sight of the report and refers to financial reasons above at [58]. The judge is not required to set out all of his reasoning. The judge had sight of the “sea” of evidence. The evidence before the judge was that the MAM was currently financially secure because he was being supported by his partner. He was not incurring debt because he was drug free and he was making steady progress. Mr Lindsay submits that there will be another mouth to feed but this was not a point made in the original appeal submissions and is in my view an attempt to reargue the appeal.

Further, the judge had evidence before him that MAM had some previous work experience, could not work at present because of his immigration status but is motivated to seek employment and will do so if permitted to. The judge had sight of this evidence. I am satisfied that the judge took into account the risk to MAM of re-offending because of poor financial management and alternatively if the judge failed to consider this factor it would not have been material to the outcome of the appeal for the above reasons.

52. Gambling is self-identified by MAM as a problem but does not appear to be a major feature in the OASys report and is not listed as a risk factor by the report writer. I am not satisfied on this basis that the judge has failed to take into account the gambling as a material factor because gambling was not considered by the OASys report to be a risk factor at all.
53. I am in agreement with Ms Easty that the adjudications do not feature in the OASys report as being a factor which contributes to the risk of re-offending, that the appellant was not charged or convicted of any offences in respect of these and that the judge was in any event aware of them.
54. Ultimately, the judge was entitled to find on the evidence before him that the appellant's drug use was the primary reason for his offending as stated by the sentencing judge and this was related to his problem solving and poor financial management. The judge had regard to these factors. The judge addressed the reasons given by the respondent for deciding that MAM is a danger to the community. The judge made sustainable findings based on the "sea" of evidence that MAM had taken full responsibility for his actions, was addressing his offending, had ceased using drugs and importantly was in a strong secure relationship which was a protective factor. The judge's ultimate finding that MAM does not represent a threat to the community and that the s72 certificate is discharged takes into account all the material factors, is sustainable and adequately reasoned. The Secretary of State's grounds are a disagreement with the conclusion of the judge and an attempt to reargue the appeal.
55. I remind myself of the comments of Carnworth LJ in Mukarkar approved by the Supreme Court in MM (Lebanon) 2017 SC10 that;

"The mere fact that one tribunal has reached what may seem an unusually generous view of the facts of a particular case does not mean that it has made an error of law, so as to justify an appeal under the old system, or an order for reconsideration under the new... However on the facts of a particular case the decision of a specialist tribunal should be respected".

## **Conclusion**

56. It follows that none of the Secretary of State's grounds of appeal are made out and the Secretary of State's appeal is dismissed.

**Decision**

57. The decision of the First-tier Tribunal allowing the appeal is upheld.

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

Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of his family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed R J Owens

Date 16 February 2022

Upper Tribunal Judge Owens