

Nigerian Father Allowed to Stay in UK

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— Categories: Human Rights



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A Nigerian man who faced multiple deportation orders has been granted the right to remain in the United Kingdom, after a long-running legal battle over his asylum claims.

The man, who has been granted anonymity, first arrived in the UK in 1983. He overstayed his visa and returned to Nigeria nine years later. In 1996, he came back to Britain and made several unsuccessful applications for asylum, citing political persecution and later through marriage to a Portuguese national.

He has a son from a previous relationship. While earlier claims for asylum were dismissed, recent proceedings focused on the risks he would face if returned to Nigeria. In particular, he argued that returning could result in personal harm from his family, who reportedly considered his actions damaging to their reputation and indicated they would alert local authorities.

The 61-year-old has a criminal record, including a conviction for violent disorder, for which he was imprisoned for four years in 2003. A deportation order was issued in 2006. Between 2010 and 2013, he made further applications for leave to remain, citing potential threats in Nigeria. The Home Office previously rejected these claims, with one immigration judge questioning his credibility and dismissing evidence provided by witnesses.

Despite his history, the Upper Tribunal has now ruled in his favour. The tribunal determined that his account was plausible and that he should not be denied the right to remain solely because of his prior immigration record or the timing of his claims.

Judge Gemma Loughran stated that the appeal was allowed on the grounds of the Refugee Convention, humanitarian protection, and human rights, specifically referencing Articles 3 and 8. These articles relate to protection from inhuman or degrading treatment and the right to respect for private and family life.

The ruling highlights the UK legal system's consideration of individual circumstances in deportation and asylum cases. Legal experts noted that the decision demonstrates how tribunals can weigh the risks an individual may face if returned to their country of origin, even after multiple prior refusals.

Human rights and immigration lawyers emphasised that deportation decisions are not solely based on prior immigration history or criminal records. Each case is assessed on its merits, including the potential for harm in the applicant's country of origin.

This case also underscores the complexities involved in long-running immigration disputes. Individuals may return to the UK multiple times and make claims based on different grounds over decades, and courts must balance public safety, legal precedent, and human rights obligations.

The Home Office has confirmed it will comply with the tribunal ruling. While the department does not comment on individual cases, officials stated that all decisions are made in

accordance with UK law and international obligations.

This development adds to ongoing debates in the UK about the challenges of immigration enforcement and the role of human rights protections. Legal observers note that cases involving lengthy asylum processes and complex personal circumstances are becoming increasingly common, reflecting broader patterns in UK immigration law.

The man's case will not set a formal legal precedent, but it illustrates how UK courts can reassess previous determinations in light of new evidence or considerations, ensuring that human rights protections are applied consistently.

By granting him leave to remain, the tribunal has reinforced the principle that deportation cannot proceed where there is a substantial risk of harm, and that past refusals do not automatically invalidate legitimate claims for protection.

The case is expected to inform future decisions in similar immigration and human rights disputes, demonstrating the continued importance of thorough judicial review in cases involving deportation, personal risk, and compliance with UK and international law.