



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

Appeal Number: HU/02555/2016

**THE IMMIGRATION ACTS**

**Heard at Glasgow  
on 5 March 2018**

**Decision & Reasons Promulgated  
on 7 March 2018**

**Before**

**UPPER TRIBUNAL JUDGE MACLEMAN**

**Between**

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

Appellant

**and**

**SUKHPREET KAUR**

Respondent

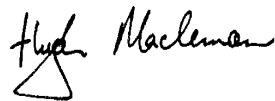
For the Appellant: Mr M Diwyncz, Senior Home Office Presenting Officer

For the Respondent: Mr D Byrne, Advocate, instructed by McGill & Co, Solicitors

**DETERMINATION AND REASONS**

1. The parties are as above, but the rest of this decision refers to them as they were in the FtT.
2. The SSHD appeals against a determination by FtT Judge Blair, promulgated on 30 May 2017, on grounds stated in her application dated 6 June 2018.
3. Paragraphs 2 – 14 of the grounds contend that the judge erred in finding that the SSHD had not shown that the appellant obtained a language test result by fraud.
4. Those parts of the grounds are met by a rule 24 response for the appellant.

5. Paragraphs 2 - 14 of the grounds are only re-argument of the SSHD's case from the FtT. They do not show that in resolving that case as it did the FtT made any error on a point of law.
6. The grounds at paragraphs 15 and 16 raise the question whether success on the language test issue led to the appeal being allowed on article 8 grounds, which is not immediately obvious. However, parties agreed that such was effectively the basis on which the case was approached in the FtT and that the further working out of the outcome was a matter now between the parties, not for the UT in present proceedings.
7. Parties agreed that it would be appropriate for the SSHD to invite the appellant to make representations on the nature and period of leave which it would be appropriate for the SSHD to grant, in light of the decision of the FtT, and for that approach to be recorded in this decision.
8. The SSHD's appeal to the UT is dismissed. The decision of the First-tier Tribunal shall stand.
9. No anonymity direction has been requested or made.

A handwritten signature in black ink, reading "Hugh Macleman". The signature is written in a cursive style with a large, stylized initial 'H'.

6 March 2018  
Upper Tribunal Judge Macleman