



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: IA/09494/2013

THE IMMIGRATION ACTS

Heard at Field House
On 30th October 2013

Determination Promulgated
On 11th November 2013
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Before

LORD BOYD OF DUNCANSBY
SITTING AS A JUDGE OF THE UPPER TRIBUNAL

UPPER TRIBUNAL JUDGE GLEESON

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

B S

Respondent

Representation:

For the Appellant: Miss A Jones, instructed by Bhogal Partners Solicitors
For the Respondent: Mr C Avery, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the claimant and his family members have been granted anonymity throughout these proceedings and after their conclusion, absent any order to the contrary by the Upper Tribunal or any other Court seised of relevant proceedings. No report of these proceedings, in whatever form, either during the proceedings or thereafter, shall directly or indirectly identify them or any of them. Failure to comply with this order could lead to a contempt of court.

1. The Secretary of State appeals with permission against the determination of First-tier Tribunal Judge Raymond allowing the appeal of the claimant, an Afghan citizen, against her decision to refuse to vary his leave to enter or remain as the spouse of a person present and settled in the United Kingdom, pursuant to Appendix FM and paragraph 276ADE of the Immigration Rules HC 395 (as amended) and to remove him by way of directions under s.47 of the Immigration, Asylum and Nationality Act 2006.
2. The Secretary of State considered that the claimant could not meet the requirements of paragraph E-LTRP 3.1, 3.2 and 4.1 in Appendix FM (the financial requirements).
3. First-tier Tribunal Judge Raymond allowed the appeal both under the Rules and under Article 8 ECHR.
4. The Secretary of State's challenge to his reasoning is set out in her grounds of appeal and summarised in the grant of permission by Upper Tribunal Judge Roberts.
5. At the hearing today the Secretary of State withdrew her case before the Upper Tribunal and pursuant to Rule 17 of the Tribunal Procedure (Upper Tribunal) Rules 2008, we accept that withdrawal.
6. There is accordingly now no challenge to the First-tier Tribunal determination, which stands.

Date: 6 November 2013

Signed

Judith Gleeson
Judge of the Upper Tribunal