



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

Appeal Number: IA/50258/2013

THE IMMIGRATION ACTS

**Heard at Glasgow
On 02 September 2014**

**Determination
Promulgated
On 05 September 2014**

Before

**The President, The Hon. Mr Justice McCloskey and
Upper Tribunal Judge Dawson**

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

ZULFIQAR ROBINA

Respondent

Representation:

Appellant: Mr Matthews, Senior Home Office Presenting Officer

Respondent: Mr Bryce (Advocate), instructed by Mackinlay & Suttie Solicitors

DECISION

1. By a decision dated 02 July 2013, the Appellant refused the Respondent's application for leave to remain in the United Kingdom. The refusal was based on the Respondent's failure to provide an approved English language comprehension certificate. The First-tier Tribunal allowed the appeal.

2. Since the promulgation of the first instance decision, the Appellant has secured the requisite certificate. She did so on 28 April 2014. We were informed that this was transmitted to the Appellant on 15 May 2014. Regrettably, it appears to have received no attention.
3. On behalf of the Appellant, Mr Matthews conceded that the certificate satisfies the requirements of paragraph 284 of the Immigration Rules and applied to withdraw the appeal. We acceded to his application, having first drawn attention to the wholly unsatisfactory terms in which the application for permission to appeal was couched. The fundamental flaw was to identify, clearly or at all, the error of law said to infect the first instance Tribunal's decision. In this context, we take the opportunity of highlighting the recent decision of the Upper Tribunal in Nixon (permission to appeal: grounds) [2014] UKUT 368 (IAC).

ORDER

4. The Appellant is granted permission to withdraw the appeal. Thus the decision of the FtT is affirmed.

Signed:

Seamus McCloskey

THE HON. MR JUSTICE MCCLOSKEY
PRESIDENT OF THE

UPPER TRIBUNAL

IMMIGRATION AND ASYLUM CHAMBER

Date: 03 September 2014