



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

Appeal Number: IA/25639/2014

**THE IMMIGRATION ACTS**

**Heard at Bradford  
On 16<sup>th</sup> June 2015**

**Decision & Reasons  
Promulgated  
On 26<sup>th</sup> June 2015**

**Before**

**UPPER TRIBUNAL JUDGE D E TAYLOR**

**Between**

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

Appellant

**and**

**DUANGJAN MARPLES  
(ANONYMITY DIRECTION NOT MADE)**

Respondent

**Representation:**

For the Appellant: Mr Diwncyz, Home Office Presenting Officer

For the Respondent: Mr Hussain, Counsel instructed by Fusco Browne

**DECISION AND REASONS**

1. This is the Secretary of State's appeal against the decision of Judge Williams made following a hearing at Stoke on 16<sup>th</sup> September 2014.

2. The judge allowed the claimant's appeal against the decision to refuse her application on the grounds that she had not provided the necessary English language qualification.
3. The Secretary of State challenged his decision stating that the certificate produced had a validity of two years and therefore that the judge had erred in finding that there was no evidence that the English language qualification was time-limited.
4. Permission to appeal was granted by Judge Chamberlain for the reasons stated in the grounds.
5. At the hearing Mr Diwncyz accepted that the Immigration Judge's decision should stand.
6. In the UKBA guidance published after a freedom of information request dated 28<sup>th</sup> April 2014 UKBA states that if a qualification has previously been accepted by them in connection with another immigration application e.g. for entry clearance, it will be accepted.
7. It is not disputed that the claimant submitted an application to join her husband in the UK as a spouse and as part of that application provided evidence of having passed the English language test at level A1 of the Common European Framework of Reference.

### **Notice of Decision**

The decision of the original judge shall stand. The claimant's appeal is allowed.

No anonymity direction is made.

Signed

Date

Upper Tribunal Judge Taylor