



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

Appeal Number: HU/10098/2016

THE IMMIGRATION ACTS

**Heard at Glasgow
on 28 September 2018**

**Determination & Reasons
Promulgated
on 03 October 2018**

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

MAIMOONA KHURSHID

Appellant

and

ENTRY CLEARANCE OFFICER, Pakistan

Respondent

For the Appellant: Mr Sharma, Work Permit Services Ltd
For the Respondent: Mr A Govan, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. This decision is to be read with:
 - (i) The respondent's decision dated 24 March 2016, refusing the appellant's application for entry clearance as a spouse.
 - (ii) The appellant's grounds of appeal to the First-tier Tribunal.
 - (iii) The decision of FtT Judge Clough, promulgated on 13 February 2018.

- (iv) The appellant's grounds of appeal to the UT, stated in the application for permission dated 23 February 2018.
- (v) The grant of permission by FtT Judge Page, dated 26 April 2018.
2. Mr Govan confirmed that the respondent's decision accepts that the requirements of the immigration rules, apart from the requirement for a "genuine and subsisting relationship", were met. He accepted that paragraphs 10 and 11 of the FtT's decision are to the effect that such a relationship was established, and that the decision fell to be reversed.
 3. The appeal was on human rights grounds only, but the immigration rules in respect of family life were the starting point, and that part of the rules is designed to comply with article 8. On her findings about the relationship, the judge had no reason to look for exceptional circumstances beyond the terms of the rules.
 4. The decision of the FtT is set aside, and the following decision is substituted: the appeal, as brought to the FtT, is allowed.
 5. 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'.

28 September 2018
Upper Tribunal Judge Macleman