



**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: PA/05586/2018 (V)**

THE IMMIGRATION ACTS

**Heard remotely by *Skype for Business* Decision & Reasons Promulgated
On 24 February 2021 On 04 March 2021**

Before

UT JUDGE MACLEMAN

Between

HALALA [H]

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Mr D Katani, of Katani & Co, Solicitors
For the Respondent: Mr M Diwnycz, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant is a Kurdish citizen of Iraq. FtT Judge Handley dismissed her appeal by a decision promulgated on 14 August 2018. The respondent concedes that the FtT's decision errs in law (in particular, on ground 2, failure to take account of the evidence of a witness) and cannot stand. Parties agreed on the following outcome, based on developments since the case was before the FtT. The appellant is in a relationship, and Islamic marriage, with a partner who has refugee status. They have a child, with similar status.

2. The decision of the First-tier Tribunal is set aside, and the appeal, as originally brought to the FtT, is allowed on article 8 human rights grounds. (The appellant does not insist on her protection claim.)
3. No anonymity direction has been requested or made.

Hugh Macleman
24 February 2021

UT Judge Macleman

NOTIFICATION OF APPEAL RIGHTS

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:
2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically)**.
3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically)**.
4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically)**.
5. A **"working day"** means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.
6. **The date when the decision is "sent" is that appearing on the covering letter or covering email.**