



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

Appeal Number: HU/51367/2021
UI-2021-001082; IA/05789/2021

THE IMMIGRATION ACTS

Decided on the papers

**Decision & Reasons Promulgated
On 11 December 2022**

Before

UPPER TRIBUNAL JUDGE FRANCES

Between

**ZOIA LYSACH
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

1. The appellant is a citizen of Russia born on 8 March 1962. She appeals against the decision of First-tier Tribunal G D Davidson, dated 12 November 2021, dismissing her appeal against the refusal of leave to remain on human rights grounds. The appellant is married to a Ukrainian national who is settled in the UK.
2. At a hearing on 26 July 2022, the respondent conceded there was a material error of law in the decision and the appeal was adjourned for re-hearing before the Upper Tribunal.
3. The respondent conceded in a skeleton argument dated 2 November 2022 that the appellant had 20 years' residence in the UK. It was accepted she met the requirements of Appendix FM/FMSE (save for the immigration status requirement) and paragraph 276ADE(iii) of the Immigration Rules. It was also accepted there would be very significant obstacles to integration and the appellant and sponsor could not enjoy family life in Ukraine or Russia. The appeal could be determined without a hearing.

4. Accordingly, I find that the refusal of leave to remain was disproportionate in all the circumstances. I allow the appellant's appeal on human rights grounds.

Notice of Decision

Appeal allowed.

J Frances

Signed
Upper Tribunal Judge Frances

Date: 8 November 2022

TO THE RESPONDENT **FEE AWARD**

I make no fee award because the appeal was conceded for reasons not pleaded in the grounds of appeal or upon which permission was granted.

J Frances

Signed
Upper Tribunal Judge Frances

Date: 8 November 2022

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.