



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

**Case No: UI-2022-006050**  
**First-tier Tribunal No:**  
**PA/51480/2021**  
IA/04512/2021

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On the 16 May 2023**

**Before**

**UPPER TRIBUNAL JUDGE BRUCE**

**Between**

**Secretary of State for the Home Department**

Appellant

**and**

**JJ**

**(Anonymity direction made)**

Respondent

**Order Regarding Anonymity**

**No-one shall publish or reveal any information, including the name or address of the Respondent, likely to lead members of the public to identify the Respondent or any member of her family. Failure to comply with this order could amount to a contempt of court.**

**DECISION**

1. The Respondent is a national of St Vincent and the Grenadines born in 1985. On the 17<sup>th</sup> November 2022 the First-tier Tribunal (Judge J Curtis) allowed her appeal on human rights grounds. The Secretary of State now appeals with permission against that decision on a narrow point.
2. This matter has been settled between the parties by consent. The only question in the appeal is the basis upon which Judge Curtis should – or rather could – have allowed the appeal. The substance of the decision was that Judge Curtis was satisfied that to refuse to grant the Respondent leave, and so to require her to

return to St Vincent and the Grenadines, would place the United Kingdom in breach of its obligations under Article 3 ECHR: Judge Curtis was satisfied that there was a real risk that the Respondent would kill herself. All other grounds of appeal were dismissed. The decision concludes:

*“The appeal on asylum grounds is dismissed.  
The appeal on humanitarian protection grounds is allowed.  
The appeal on human rights grounds is allowed”*

The Secretary of State now submits, and the Respondent accepts, that the reference to humanitarian protection is in error. The appeal was, on its facts, dismissed under this head. The decision should therefore have read: *the appeal on humanitarian protection grounds is dismissed*. The decision that the appeal be allowed on human rights grounds is however unchallenged and stands.

### **Notice of Decision**

3. The appeal is allowed to the limited extent identified above.
4. There is an order for anonymity.

Upper Tribunal Judge Bruce  
13<sup>th</sup> April 2023