



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: OA/03482/2013

THE IMMIGRATION ACTS

Field House  
11 March 2014

Determination Promulgated  
13 March 2014

Before  
UPPER TRIBUNAL JUDGE JORDAN

Between

Zaheer

Appellant

and

The Entry Clearance Officer

Respondent

DETERMINATION AND REASONS

1. At the request of the Home Office, I have decided to determine this appeal without a hearing.
2. The appellant is a citizen of Pakistan and the husband of a British national. He sought entry clearance by way of an application submitted prior to changes made to the Immigration Rules which were introduced on 9 July 2012. In order to meet the English language requirements, the appellant submitted two English language certificates, one meeting the requirements for listening and the other meeting the requirements for speaking. The two elements were the subject of two separate certificates. The respondent took issue with the provision of two certificates.
3. By a letter dated 25 February 2014, a member of the Specialist Appeals Team on behalf of the Secretary of State notified the tribunal in the following terms

"Following receipt of the application for permission to appeal, and having consulted policy advice on the use of the multiple English language certificates prior to the change in the Rules on 1 October 2013, the respondent does not wish to challenge this further, and considers that the case should be returned to the ECO to consider issuing a visa.

It is considered to be Tribunal can issue a determination to this effect without the need for a further oral hearing.""

4. I construe this to mean that the respondent is conceding that the First-tier Tribunal Judge made an error on a point of law and that the appeal should be allowed. There is implicit in the respondent's letter a concession that the use of multiple English language certificates was permissible. Accordingly, I allow the appeal under the Immigration Rules. It is no longer open to the respondent to refuse entry clearance on the basis that two English language certificates were provided.
5. Further, in the grounds of appeal, it is contended that the First-tier Tribunal Judge erred in concluding that the appellant did not meet the requirements of paragraph 281. This is not challenged in the response by the respondent under Rule 24 set out in the letter of 25 February 2014. Accordingly, I find that the appellant did meet those requirements.

## DECISION

The Judge made an error on a point of law and I re-make the decision in the following terms:

The appeal is allowed under the Immigration Rules.



ANDREW JORDAN  
JUDGE OF THE UPPER TRIBUNAL