



**Upper Tribunal
(Immigration and Asylum Chamber)
IA/21722/2014**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Birmingham

**Decision & Reasons
Promulgated
On 27th July 2016**

On 15th July 2016

Before

UPPER TRIBUNAL JUDGE HEMINGWAY

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**UMER BUTT
(ANONYMITY DIRECTION NOT MADE)**

Respondent

Representation:

For the Appellant: Mr D Mills (Senior Home Office Presenting Officer)

For the Respondent: Mr C Timson (Counsel)

DECISION AND REASONS

1. This is the appeal of the Secretary of State, brought with permission, against a decision of the First-tier Tribunal (Judge Gurung-Thapa hereinafter “the judge”) promulgated on 23rd July 2015, allowing the Claimant’s appeal against a decision of the Secretary of State of 2nd May 2014 refusing to grant indefinite leave to remain as the victim of domestic violence and deciding to remove the Claimant from the UK by way of directions.

2. The judge found, after an oral hearing at which both parties were represented and at which the Claimant gave evidence, that he had given a truthful account of relevant events, that his marriage to his British citizen Sponsor had permanently broken down prior to the end of an initial probationary period of leave which had been granted to him as a spouse, that the cause of the marital breakdown was domestic violence in respect of which he had been the victim and that all relevant requirements contained within paragraph 289A of the Immigration Rules were met.
3. The Secretary of State applied for permission to appeal to the Upper Tribunal and such was granted, upon renewal, by a Judge of the Upper Tribunal on the basis that the judge might have erred in failing to give adequate reasons for her decision. Accordingly, the matter was listed for a hearing before me so that it could be decided whether or not the judge had actually erred in law and, if so, what should flow from that. Representation at that hearing was as indicated above.
4. Mr Mills realistically and helpfully indicated that he was not able to contend that the grounds offered by the Secretary of State represented anything more than a mere disagreement with the outcome. I am entirely sure that Mr Mills was right to make that important concession. Given that he has made it, it is not necessary for me to undertake a detailed evaluation of the grounds but suffice it to say it does seem clear to me that they contain nothing which goes beyond disagreement and mere assertion. Further, it is apparent from a plain reading of the determination that the judge did, indeed give her reasons, in fact in some detail, as to why she was accepting what the Claimant had told her.
5. In these circumstances there is really nothing more to say. I conclude that the judge did not err in law and that, in consequence, her determination shall stand.

Notice of Decision

The making of the decision by the First-tier Tribunal did not involve the making of an error of law. The decision of the First-tier Tribunal shall stand.

Anonymity

The First-tier Tribunal did not order anonymity. I was not invited to and do not do so either.

Signed
Upper Tribunal Judge Hemingway

Date **27th July 2016**

TO THE RESPONDENT FEE AWARD

I do not disturb the fee award made by the First-tier Tribunal.

Signed
Upper Tribunal Judge Hemingway

Date **27th July 2016**