



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

Appeal Number: HU/01762/2018

THE IMMIGRATION ACTS

Heard at Manchester Civil Justice Centre

On 6 November 2018

**Decision & Reasons
Promulgated**

On 30 November 2018

Before

UPPER TRIBUNAL JUDGE LANE

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**HUMAIRA BARKET
(ANONYMITY DIRECTION NOT MADE)**

Respondent

Representation:

For the Appellant: Mr McVeety, Senior Home Office Presenting Officer

For the Respondent: Mr Timson, instructed by Juris Solicitors Ltd

DECISION AND REASONS

1. I shall refer to the appellant as the respondent, and the respondent as the appellant (as they appeared respectively before the First-tier Tribunal). The appellant, Humaira Barket, was born on 1 April 1985 and is a female

citizen of Pakistan. She appealed against a decision of the Secretary of State dated 15 December 2017 refusing her leave to remain in the United Kingdom under Appendix FM and paragraph 276ADE of HC 395 (as amended) and Article 8 ECHR. The First-tier Tribunal in a decision promulgated on 14 August 2018 allowed the appeal on human rights grounds. The Secretary of State now appeals, with permission, to the Upper Tribunal.

2. Helpfully, Mr A McVeety, who appeared for the Secretary of State, told me that he would make no submissions with a view to persuading me that the First-tier Tribunal erred in law. The first ground concerning the failure of the judge to make a finding in respect of the alleged deception of the appellant, fell away in the light of the recent judgment of the Supreme Court in *KO (Nigeria)* [2018] UKSC 53. As regards the second ground concerning the reasonableness of a British child leaving the United Kingdom, Mr McVeety conceded that the Home Office's own policy did not require such a course of action.
3. In the circumstances, this appeal is dismissed.

Notice of Decision

4. This appeal is dismissed.
5. No anonymity direction is made.

Signed

Date 26 November 2018

Upper Tribunal Judge Lane

No fee is paid or payable and therefore there can be no fee award.

Signed

Date 26 November 2018

Upper Tribunal Judge Lane