



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

Case No: UI-2023-000433

First-tier Tribunal No: HU/50831/2022

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On 14 August 2023**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE SAFFER**

**Between**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**and**

**MY**

**(Anonymity order made)**

Respondent

**Representation:**

For the Appellant: Mr Diwnycz a Senior Home Office Presenting Officer  
For the Respondent: Ms Mair of Counsel

**Heard at Phoenix House (Bradford) on 7 August 2023**

**Order Regarding Anonymity**

**Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the Respondent is granted 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. Failure to comply with this order could amount to a contempt of court.**

**DECISION AND REASONS**

1. The Respondent was born on 17 April 1982. He is a citizen of Pakistan. He appealed against the decision of the Appellant dated 24 January 2022, refusing his human rights claim. The Appellant appeals against the decision of First-tier Tribunal Judge Drake, promulgated on 27 January 2023, allowing the appeal.
2. The brevity of this decision is due to the concession by Mr Diwnycz that, despite the grounds in support of the application and the grant of

permission to appeal regarding consideration of DV-ILR, as there was no challenge to 3 of the 4 freestanding bases upon which the appeal was allowed namely Ex.1, Gen 3.2, and Article 8, having considered the matter further, it is accepted that the Judge did not materially err as it is entirely academic as to whether the Judge materially erred regarding DV-ILR.

### **Notice of Decision**

3. The Judge did not make a material error of law.

*Laurence Saffer*

Deputy Judge of the Upper Tribunal  
Immigration and Asylum Chamber

7 August 2023