



IAC-FH-AR-V1

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

Appeal Number: IA/35085/2013

THE IMMIGRATION ACTS

Heard at Field House

**On 12th September, 2014
Signed 17th November, 2014**

**Determination
Promulgated**

On 18th November 2014

Before

Upper Tribunal Judge Chalkley

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

AMRIK SINGH

Respondent

Representation:

For the Appellant: Mr I Jarvis, Senior Home Office Presenting Officer

For the Respondent: Mr A Chohan, Counsel, instructed by S.Z. Solicitors

DETERMINATION AND REASONS

1. The respondent is a citizen of India born on 21st November, 1947. He made application on 6th July, 2012 for indefinite leave to remain in the United Kingdom based on his long residence. On 12th August, 2013 the Secretary of State refused the respondent's application. The respondent appealed and his appeal was heard by First-tier Tribunal Judge Deavin on 30th January, 2014. She allowed the respondent's appeal.

2. At a hearing on 11th June, 2014 the Secretary of State for the Home Department successfully challenged the decision of the First-tier Tribunal Judge, at a hearing before Upper Tribunal Judge Birrell, who found that the First-tier Tribunal erred in reaching its conclusion that the respondent's appeal should be allowed. Mr Jarvis today has explained that in fact those errors were not material. The appellant was entitled to have his appeal allowed on the basis that he was not required to demonstrate that he had a knowledge of the English language.
3. Mr Jarvis invited me to allow the respondent's appeal. I find that First-tier Tribunal Judge Deavin did not materially err in law and I uphold her decision.

Richard Chalkley

Upper Tribunal Judge Chalkley