



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

Appeal Number: IA/18101/2014

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 26 March 2015**

**Decision & Reasons  
Promulgated  
On 17 April 2015**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE APPEYARD**

**Between**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**and**

**MISS XINRONG GU  
(ANONYMITY ORDER NOT MADE)**

Respondent

**Representation:**

For the Appellant: Mr S Walker, Home Office Presenting Officer

For the Respondent: Miss V Lovejoy, Counsel

**DECISION AND REASONS**

1. The appellant in this case is the Secretary of State for the Home Department. However, for the sake of clarity, I shall use the titles by which the parties were known before the First-tier Tribunal, with the Secretary of State referred to as “the respondent” and Miss Xinrong Gu as “the appellant”.

2. No anonymity order has previously been made in these proceedings and no such application was made before me today. There is no need for such an order.
3. The appellant is a citizen of China who made an application to vary leave to remain in the United Kingdom as the spouse of a person present and settled under paragraph 284 of the Immigration Rules HC 395 (as amended). Her application was refused and a decision made to remove her pursuant to paragraph 47 of the Immigration, Asylum and Nationality Act 2006. The appellant appealed against that decision and following a hearing at Hatton Cross Judge of the First-tier Tribunal Ian Howard, in a decision promulgated on 10 December 2014, allowed the appellant's appeal.
4. The respondent sought permission to appeal the judge's decision which was granted by Judge of the First-tier Tribunal Foudy on 30 January 2015.
5. The respondent had argued that the award certificate of an approved English language test taken by the appellant was not a qualifying one as prescribed in Appendix O of the above-mentioned Immigration Rules.
6. However, at the hearing today Mr Walker confirmed that the respondent had now re-visited the appellant's documentation that was before the First-tier Tribunal Judge and having reconsidered it and in particular a "Training Connect Certificate of Achievement in English for Speakers of Other Languages" dated 28 January 2014 the respondent now accepts that there was a prescribed certificate before the Tribunal and accordingly no material error in the First-tier Tribunal's decision.
7. By consent of both parties I was invited to dismiss the appeal before me and to allow the First-tier Tribunal's decision to stand.
8. Having considered the evidence and the relevant Immigration Rules I find that course is the correct one.

### **Conclusion**

9. The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.
10. I do not set aside the decision.

Signed

Date 15 April 2015.

Deputy Upper Tribunal Judge Appleyard