



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: HU/15392/2016

THE IMMIGRATION ACTS

Heard at Field House
On 5 December 2018

Decision & Reasons Promulgated
On 9 April 2019

Before

DEPUTY UPPER TRIBUNAL JUDGE JORDAN

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

ENDAH SUNYOTO

Respondent

Representation:

For the Secretary of State: Mr T. Wilding, Home Office Presenting Officer

For Ms Sunyoto: No appearance

DETERMINATION AND REASONS

1. The Secretary of State appealed against a determination of First-tier Tribunal Judge Geraint Jones QC who made a decision provisionally allowing the appeal of Ms Sunyoto (who should properly be called Mrs Burrett). I shall refer to her as 'the appellant' as she was before the First-tier Tribunal.
2. Following a hearing on 2 October 2018, I found that the First-tier Tribunal Judge had made an error of law and I set aside his determination. I recorded that, in the event that Miss Isherwood, the Presenting Officer decided that it was

disproportionate to require the appellant's removal, she would notify her decision to the appellant and the Tribunal in order to avoid a further hearing.

3. On 27 November 2018 Miss Isherwood wrote to the Tribunal stating that the error was narrowed to whether it would be appropriate for the appellant to leave the United Kingdom and seek entry clearance. The issue of concern was whether the appellant could meet the financial requirements and the English language requirements. At the hearing, she had been provided with copies of the sponsor's income for the year 2017-18 and the appellant's English Language certificate from Trinity College of London. The income from the sponsor amounted to £19,850 and it has been confirmed that the certificates from Trinity College London are genuine.
4. At the error of law hearing, Ms Isherwood had indicated that she would look at the evidence and decide whether the Secretary of State should properly seek to continue to pursue the appeal listed for hearing on 5 December 2018. In light of the narrow issue and there being no public interest in refusing to apply the principles in *Chikwamba* [2008] UKHL 40, she accepted on behalf of the Secretary of State that the appeal be allowed.
5. At the hearing on 5 December 2018, I indicated that the appeal of the Secretary of State was no longer pursued and the appeal of Mrs Sunyoto's appeal would be allowed.

DECISION

- (i) The appeal of the Secretary of State is dismissed.
- (ii) The appeal of Mrs Sunyoto is allowed.

ANDREW JORDAN
DEPUTY UPPER TRIBUNAL JUDGE
2 April 2019