



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

Appeal Number: HU/17580/2018  
HU/17582/2018

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 2 October 2019**

**Decision & Reasons Promulgated  
On 9 October 2019**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

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

Appellant

**and**

**CHERRY CHUA PLACER  
DALJINDER SINGH  
(ANONYMITY DIRECTION NOT MADE)**

Respondent

**Representation:**

For the Appellant: Mr Singh, Senior Home Office Presenting Officer  
For the Respondent: Ms Anzani, instructed by Nag Law solicitors

**DECISION AND REASONS**

1. I shall refer to the appellant as the 'respondent' and the respondents as the 'appellants', as they appeared respectively before the First-tier Tribunal. The appellants are respectively citizens all the Philippines and India. They appealed on human rights grounds (Article 8 ECHR) against decisions of the respondent refusing their applications for leave to remain in the United Kingdom. By a decision of the First-tier Tribunal promulgated

on 25 June 2019, the appeals were allowed. The Secretary of State now appeals, with permission, to the Upper Tribunal.

2. There are two grounds of appeal. The first concerns the judge's finding [22], based on evidence adduced by the appellants from the Embassy of the Philippines dated 31 May 2009, that there exist no reciprocal arrangements between the Philippines and India regarding the issue of permanent residence visas. The grounds assert that the Republic of the Philippines Bureau of Information website indicates that temporary residence visas may be converted to visas providing permanent residence. The judge therefore erred in law by finding otherwise.
3. I find the ground has no merit. The extract from the Philippines government website was never put before the First-tier Tribunal judge so he may hardly be criticised for having had no regard to it. The judge was required to determine the appeal on the basis of the evidence which was before him and I find that he has done exactly that. I agree with Ms Anzani's submission that the respondent is now attempting to challenge parts of the appellant's evidence which he had the opportunity to challenge before the First-tier Tribunal but chose not to do so.
4. The second ground of appeal asserts that the judge wrongly concluded that the first appellant could not relocate to India, the country of origin of her partner, the second appellant, on account of her Christian faith. I find the ground has no merit. At [24], the judge made the observation that there would be 'different societal norms and cultural dynamics for each appellant seeking to reside in their partner's country.' I do not consider that this observation was intended to be a finding that the first appellant could not live in India because she is a Christian. Indeed, in the same paragraph, the judge goes on to repeat his finding on the evidence that neither appellant would be able secure permanent status in the country of origin of the other because the evidence before him clearly indicated that there were no reciprocal arrangements. The obvious consequence would be that if either appellant returned to their country of nationality, they would have to do so alone and their relationship would suffer interference accordingly. That was a finding available to the judge on the evidence before him. In particular, the judge was entitled to find that the family life of the appellants could only be continued within the jurisdiction of the United Kingdom.

### **Notice of Decision**

This appeal is dismissed.

Signed

Date 2 October 2019

Upper Tribunal Judge Lane

