



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER
Prepared 8 September 2023

Case No: UI-2023-000961

First-tier Tribunal Nos: HU/56596/2021
LH/00136/2022

THE IMMIGRATION ACTS

Decision & Reasons Issued:

25th September 2023

Before

DEPUTY UPPER TRIBUNAL JUDGE DAVEY

Between

The Secretary of State for the Home Department

Appellant

and

Reema Naeem
(NO ANONYMITY ORDER MADE)

Respondent

Representation:

For the Appellant: Mr S Walker, Home Office Presenting Officer
For the Respondent: Mr R Ahmed, counsel, KM Solicitors Ltd

Heard at Field House on 8 September 2023

DECISION AND REASONS

1. In the First-tier Tribunal Mrs Reema Naeem was the Appellant and was represented by Mr Ahmed. The Appellant was a female national of Pakistan, date of birth 20 November 1997, who appealed against the Respondent's decision dated 28 September 2021 to refuse her human rights based claim in an application for entry clearance to the United Kingdom under Appendix FM to the Immigration Rules on the basis of her family life with her partner.
2. The appeal was allowed by a decision dated 2 March 2023, by First-tier Tribunal Judge Emmerson.

3. It is accepted that when the matter came before the Judge, the financial requirements were met and that did not feature in the argument before me. The second basis of challenge related to the Appellant's child being a British national and there was no error on this issue so much as a disagreement as to the significance of the issue in the outcome of the appeal.
4. I concluded that this matter did not disclose a material error of law. I did not find that the Judge gave inadequate reasons for finding the public interest in maintaining immigration controls was outweighed by the Appellant's family life rights under Article 8 of the ECHR. A fair reading of the decision, I found, gave sufficient explanation. I concluded that the Judge had fairly and sufficiently dealt with the matter so that on reading the decision one could be sensibly understand the Judge's reasoning.
5. To that end, I found the Judge had set out the evidence before him and it was not said that material evidence was ignored or not taken into account in some way or that the Judge could not have reached balanced findings on the totality of the evidence. In reaching the decision that he did I found that the Judge had fairly set out the legal analysis, which he was applying and the conclusions that he reached. In all the circumstances, I therefore concluded that the Judge's decision to allow the appeal was correct. I reject the Secretary of State's challenge.
6. The Secretary of State's appeal is dismissed.
7. The original decision of First-tier Tribunal Judge Emerson stands.



Judge of the Upper Tribunal
Immigration and Asylum Chamber