



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

Appeal Number: IA/05380/2013

THE IMMIGRATION ACTS

**Heard at Glasgow
on 7 October 2013**

**Determination
promulgated
on 8 October 2013**

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

FELICIA DONOSE

Respondent

For the Appellant: Mr A Mullen, Senior Home Office Presenting Officer
Respondent in person

DETERMINATION AND REASONS

1. The SSHD appeals against a determination by First-tier Tribunal Judge Thorne, allowing an appeal against refusal of an application as a “highly skilled person” under the Regulations referred to in the SSHD’s letter of 4 February 2013.

2. The point made in the SSHD's ground of appeal is correct, within the terms of the Regulations. The judge erred thereon at paragraph 18. However, the judge in the alternative would have allowed the appeal under the UKBA's published policy ("IDI") which allowed her to rely upon a letter from the institution responsible for awarding her qualification.
3. The scope of the Regulations has been widened under a policy by which the SSHD binds herself.
4. The SSHD's appeal to the UT is dismissed. The determination of the First-tier Tribunal, allowing Ms Donose's appeal, shall stand.
5. No order for anonymity has been requested or made.
6. The appellant ought not to have been put to the trouble of either stage of appeal. Any available fee award in her favour should be made.

A handwritten signature in black ink, appearing to read "Hugh Maclean". The signature is written in a cursive style with a large, stylized initial 'H'.

7 October 2013
Judge of the Upper Tribunal