



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: IA/44032/2013

THE IMMIGRATION ACTS

Heard at Glasgow
on 23 May 2014

Determination promulgated
On 27 May 2014

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

ABUBAKER IBRAHIM

Respondent

For the Appellant: Mr A Mullen, Senior Home Office Presenting Officer
For the Respondent: Mr G Rea, of Maguire, Solicitors

No anonymity order requested or made

DETERMINATION AND REASONS

1. This determination refers to parties as they were in the First-tier Tribunal.
2. The SSHD appeals against a determination by First-tier Tribunal Judge Quigley, allowing the appellant's appeal against refusal of his application for leave to remain as the spouse of a UK citizen.
3. Regarding the "partner 5 year route", the judge found at ¶32-34 that the appellant met the financial requirements of the rules (having produced evidence lacking in his application) and the English language requirements (having wrongly relied in his application on being a national of a majority English-speaking country, but being able to succeed on this point by his academic qualifications). Those

findings overcame the respondent's points of refusal, and were not now challenged. The appeal was rightly allowed under the rules.

4. The judge made findings on insurmountable obstacles and exceptional circumstances, and appears to have purported to allow the appeal also "outside" the rules under article 8. Only those conclusions are attacked in the SSHD's grounds of appeal to the UT. While they might all properly be contested, Mr Mullen fairly pointed out that they are also all beside the point.
5. Mr Rea agreed that there was no need to consider these matters, as the appellant had all he could wish for in the successful outcome under the rules, based on the findings at ¶32-34.
6. There is no practical need to vary the decision of the First-tier Tribunal, and it shall stand.



23 May 2014
Judge of the Upper Tribunal