



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

Appeal Number: IA/42056/2013

THE IMMIGRATION ACTS

**Heard at Field House
On 16 January 2015**

**Determination
Promulgated
On 10 February 2015**

Before

UPPER TRIBUNAL JUDGE CRAIG

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

GEORGE KOFFIE

Respondent

Representation:

For the Appellant: Mr L Yousseifan, Legal Representative, D J Webb & Co Solicitors

For the Respondent: Mr T Wilding, Home Office Presenting Officer

DETERMINATION AND REASONS

1. This is the Secretary of State's appeal against a determination of First-tier Tribunal Judge Hindson promulgated on 30 September 2014 following a hearing at Richmond on 22 September 2014. For ease of reference I shall throughout this determination refer to Mr Koffie who was the original appellant as "the claimant" and to the Secretary of State who was the original respondent as "the Secretary of State".

2. The claimant, who was born on 29 July 1985 and who is a citizen of Ghana, appealed against the Secretary of State's decision refusing his application for leave to remain in the UK on the basis of long residence and under Article 8. His appeal was allowed and the Secretary of State was granted permission to appeal against this decision by First-tier Tribunal Judge Hollingworth in the following terms:

“An arguable error of law has arisen in the context of the application of the provisions of the Immigration Act 2014 and the degree of weight to be attached to them.”

No further reasons have been given for granting the Secretary of State permission to appeal.

3. Before me on behalf of the Secretary of State, Mr Wilding stated as follows:

“I accept that the grounds of appeal set out at paragraph 3 are not ones which challenge the findings of fact made as to whether there are insurmountable obstacles or not.

In essence, the grounds argue law when the appeal was allowed on fact, if that makes sense.”

4. Mr Wilding for this reason did not seek to pursue the Secretary of State's appeal and on the facts of this case I agree that he is right to take this approach. In these circumstances it is not necessary for me now to do more than to state that as the appeal is no longer being pursued by the Secretary of State it is dismissed and the decision of the First-tier Tribunal must accordingly be affirmed.

Decision

It not now being asserted that there was any material error of law in the determination of the First-tier Tribunal, the Secretary of State's appeal is dismissed and the decision of the First-tier Tribunal, allowing the claimant's appeal is affirmed.

Signed:



Date: 6 February

2015
Upper Tribunal Judge Craig