



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

Appeal Number: HU/24309/2016

**THE IMMIGRATION ACTS**

**Decision made on the papers  
at Field House  
On 11 July 2019**

**Decision & Reasons Promulgated  
On 25 July 2019**

**Before**

**UPPER TRIBUNAL JUDGE CRAIG**

**Between**

**MS KA WAI MA  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

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

Respondent

**DECISION AND REASONS**

1. For the reasons given below, it is not necessary to have an oral hearing of this appeal.
2. The Appellant has appealed, with permission, against the decision of First-tier Tribunal Judge Brookfield, promulgated on 31 October 2018, in which the judge had dismissed the appellant's appeal against the Respondent's decision refusing to grant her indefinite leave to remain
3. Following a hearing before UTJ Hanson sitting at Bradford on 8 April 2019, Judge Hanson found that there had been an error of law in the First-tier Tribunal's decision and the appeal has been listed for a resumed hearing before him on 16 July 2019.

4. On 9 July 2019, the respondent wrote to the Tribunal in the following terms:

“Upper Tribunal hearing scheduled for 16 July 2019 at Bradford Hearing Centre

Following representations made by the appellant’s representative, the respondent is writing to confirm that there is no objection to the Upper Tribunal allowing the appellant’s case on human rights grounds on the basis that she has now accrued the necessary 10 years’ residence under the immigration rules, without the need for a further hearing”.

5. In these circumstances, there is no need for a further hearing and the tribunal now will make a decision allowing the appellant’s appeal.

**Decision**

**The decision of the first tier tribunal is set aside as containing a material error of law and the following decision is substituted:**

**The appellant’s appeal is allowed, on human rights grounds.**

Signed:

A handwritten signature in black ink that reads "Ken Craig". The signature is written in a cursive style with a long, sweeping tail on the letter "p".

Upper Tribunal Judge Craig

Date: 11 July 2019