



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

Appeal Number: UI-2022-001870
IA/02556/2021

THE IMMIGRATION ACTS

**Heard at Field House
On 24 August 2022**

**Decision & Reasons Promulgated
On 12 October 2022**

Before

**UPPER TRIBUNAL JUDGE ALLEN
DEPUTY UPPER TRIBUNAL JUDGE METZER QC**

Between

**MATIAS MARTIN CRUZ
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms S Anzani, instructed by Mentor Legal LLP

For the Respondent: Ms Z Yang, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a national of Argentina. He appealed to the First-tier Tribunal against the respondent's decision of 23 November 2020 refusing his application of 13 January 2020 for leave to remain as a spouse of a settled person, on human rights grounds.
2. The judge dismissed the appeal but the appellant was subsequently granted permission to appeal.

3. In the circumstances we need say little. It was accepted on behalf of the Secretary of State by Ms Yang that ground 1, challenging the assessment of the Immigration Rules and contending there had been a misapplication of case law, was made out. It was common ground that the points made in ground 1 were valid, noting in particular that the judge had found that the requirements of EX.1 were met. There were insurmountable obstacles to family life with the appellant's partner continuing outside the United Kingdom.
4. In the circumstances, as was agreed between the representatives, it must follow that the appeal is allowed and we record here formally our decision that the appeal against the judge's decision is allowed and as a consequence the appeal against the respondent's decision of 23 November 2020 is allowed.

Notice of Decision

The appeal is allowed.

No anonymity direction is made.



Signed

Date 8 September 2022

Upper Tribunal Judge Allen