



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

Appeal Number: HU/12833/2017

THE IMMIGRATION ACTS

**On the papers
On 11 April 2019**

**Decision and Reasons
Promulgated
On 15 April 2019**

Before

UPPER TRIBUNAL JUDGE HANSON

Between

**NAZISH [B]
(Anonymity direction not made)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

1. On 30 January 2019 it was found the First-tier Tribunal had erred in law. In accordance with directions given a report has been commissioned from a Dr Raheel Karim a specialist in General Adult Psychiatry, dated 3 March 2019.

Discussion

2. The substantive hearing listed for 2 April 2019 was adjourned in light of the report not having been seen by Mrs Pettersen, Senior Home Office Presenting Officer, until the morning of the hearing and in light of the recommendation that the appellant should be assisted by an

interpreter experienced in working with people with learning disabilities. The hearing was therefore adjourned to enable Mrs Pettersen to consider the respondent's position and for the Upper Tribunal to secure the services of the correct interpreter to enable the appellant to receive a fair hearing.

3. By letter dated 4 April 2019 Mrs Pettersen advised the Upper Tribunal that the Secretary of States position is that the appeal should be allowed, without a further hearing, on the basis the content of the psychiatric report establishes the appellant has exceptional reasons for why she should not be required to meet the English language requirement. As this was the only issue upon which the appellant's application was refused it is appropriate in all the circumstances to allow the appeal.

Decision

4. **The appeal is allowed.**

Anonymity.

5. The First-tier Tribunal did not make an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

I make no such order pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008.

Signed.....
Upper Tribunal Judge Hanson

Dated the 11th April 2019