



IAC-AH-SC-V1

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

Appeal Number: HU/18477/2019

THE IMMIGRATION ACTS

**Determined on the Papers at Field House
On 20 November 2020**

**Decision & Reasons
Promulgated
On 09 December 2020**

Before

UPPER TRIBUNAL JUDGE ALLEN

Between

**MS ALLAH-RAKHI
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

1. The appellant is a national of Pakistan. She appealed to a Judge of the First-tier Tribunal against the Secretary of State's decision on 30 October 2019 to refuse her application for leave to remain in the United Kingdom on the basis of her private life.
2. The judge dismissed the appeal but subsequently permission to appeal to the Upper Tribunal was granted by a Judge of the First-tier Tribunal.
3. Following the sending out of directions on 11 August 2020 a response was received from both parties. I mention in particular the response from the

Secretary of State in which it was accepted that the judge had erred in law in that in light of the decision of the Supreme Court in AM (Zimbabwe) [2020] UKSC 17, the wrong test had been applied for the evaluation of the appellant's claim for leave to remain on medical grounds.

4. I agree with the view expressed on behalf of the Secretary of State and with the proposed outcome. This appeal is allowed to the extent that it is remitted for a full re-hearing in the First-tier Tribunal in Glasgow before a judge other than Judge Conway.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.



Signed

Date 3rd December 2020

Upper Tribunal Judge Allen