



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

Appeal Number: IA/27767/2014

THE IMMIGRATION ACTS

Heard at Glasgow

Decision and Reasons

On 16 June 2015

Promulgated

On 23 June 2015

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

STEPHANIE MICHELLE DARROCH

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation

For the Appellant: No appearance

For the Respondent: Mr M Matthews, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant appeals against a determination by First-tier Tribunal Judge McGrade, promulgated on 2 October 2014, dismissing her appeal against a decision of the respondent, made for reasons explained in a letter dated 19 June 2014.
2. On 3 June 2015 notice of the hearing fixed for 16 June was sent to the appellant's solicitors and to her directly at her home address.
3. The Upper Tribunal was advised by letter faxed on 15 June 2015 that the appellant's solicitors had withdrawn from acting on her behalf. It is to be presumed that they also advised the appellant of their withdrawal.

4. At the time fixed for the hearing on 16 June, the appellant did not appear and was not represented, and nothing had been heard from her or on her behalf (nor has anything been heard up to the time of issuing this determination). The hearing proceeded in her absence in terms of Rule 38 of the Tribunal Procedure (Upper Tribunal) Rules 2008.
5. The grounds on which permission was sought are not in substance more than repetition of her case.
6. Permission to appeal was refused by a First-tier Tribunal Judge, but was granted by a Deputy Upper Tribunal Judge on the basis of an arguable error in relation to section 117B of the 2002 Act, and arguable failure to give “sufficient weight to the principles set out in *EB (Kosovo)* [2008] UKHL 41”.
7. Mr Matthews submitted that any error in failing to take account of section 117B could only have acted in favour of the appellant, because explicit reference to the considerations set out paragraph 5A of the Act was more likely to be adverse than beneficial to her case. He submitted that the grounds and the grant of permission, read together, disclosed no legal error. The grounds did not amount to any more than repetition of the circumstances which the appellant put to the First-tier Tribunal.
8. I indicated that I was satisfied that no material error of law is disclosed. Neither section 117B of the 2002 Act nor the case of *EB* contains any legal proposition which might change the outcome of the appellant’s case.
9. The consequences of the respondent’s decision no doubt weigh heavily upon the appellant and her UK citizen husband. The Judge recognised that. He found that her departure from the UK would cause “considerable inconvenience and a degree of hardship”. However, such outcomes are inherent in the operation of immigration control. The Judge found that the consequences were not “so serious as to render removal disproportionate”. That conclusion discloses no error of law. The determination shall stand.



18 June 2015
Upper Tribunal Judge Macleman