



IAC-FH-AR-V1

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

Appeal Number: IA/24791/2014

THE IMMIGRATION ACTS

**Heard at Field House
On 18 September 2015**

**Decision & Reasons Promulgated
On 14 January 2016**

Before

DEPUTY UPPER TRIBUNAL JUDGE FARRELLY

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**MRS SUNDUS RAFIQUE
(ANONYMITY DIRECTION NOT MADE)**

Respondent

Representation:

For the Appellant: Mr T Wilding, Home Office Presenting Officer

For the Respondent: In person

DECISION AND REASONS

1. This is the Secretary of State's appeal but for convenience I will refer to the parties as they were in the original appeal.
2. In a decision promulgated on 7 July 2015 I found a material error of law in the decision of First-tier Tribunal Judge Iqbal. The judge allowed the appellant's appeal.
3. Today Mr Wilding, Home Office Presenting Officer, has referred me to the two TOEIC certificates which were submitted with the original entry

clearance application made on 29 July 2011. He has also referred me to two policy statements. These were submitted at the original error of law hearing. The first policy statement confirms that in certain circumstances qualifications may be accepted for instance if they had been used in a previous entry clearance application. The second policy statement provides that certificates from the ETS which have now been suspended can still be accepted where the transitional arrangements apply. Those arrangements apply for applications which were made before 22 July 2014. In this case the application was made in January 2014.

4. Consequently, Mr Wilding is prepared to accept that the requirements of paragraph 284 of the Immigration Rules were met.

Notice of Decision

5. Having regard to the points made I would allow the appeal under the Immigration Rules.

Signed

Date

Deputy Upper Tribunal Judge Farrelly

No anonymity direction is made.

Deputy Upper Tribunal Judge Farrelly