

UPPER TRIBUNAL (I.A.C.)
ORDER BY CONSENT
Lord Wilson, UKSC
03 AUG 2020
PURSUANT TO DELEGATED
POWERS

IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

No. JR/1170/2020

IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW

BETWEEN:-

THE QUEEN (on the application of)

[REDACTED]

Applicant

-And-

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent



CONSENT ORDER

WE, the undersigned, being the Solicitor for the Applicant and the Solicitor for the Respondent, agree to an order as follows:

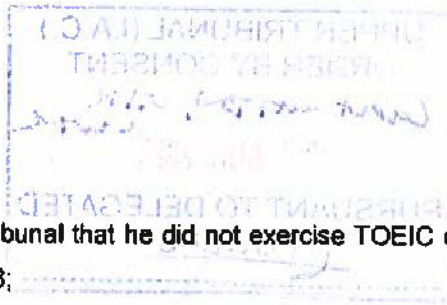
UPON the Respondent agreeing to withdraw the decision of 9th January 2020

AND UPON the Respondent having on 13 May 2020 granted the Applicant 2.5 years' leave to remain following his successful appeal on Article 8 ECHR grounds

AND UPON the Respondent accepting that where a TOEIC appeal is allowed outside the Rules on Article 8 ECHR grounds, and it is established that the person did not cheat in the TOEIC exam, that the appropriate grant of leave is 2.5 years

AND UPON the Respondent having made a decision on the 8 June 2020 to grant the Applicant's application for indefinite leave to remain, and to refund him all application fees associated with that application and the enrolment of his biometrics, which total £2,478.19, (comprising of £2,389 UKVI application fee, £19.20 for the biometric enrolment and £69.99 appointment fee)

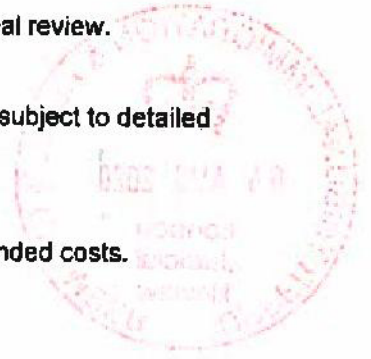
AND UPON the Respondent continuing to treat the Applicant as if he still had section 3C leave under the Immigration Act of 1971 now that he has secured a finding of fact on appeal before



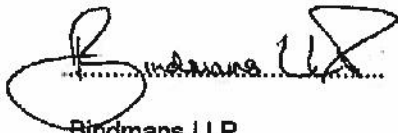
the First-tier Tribunal that he did not exercise TOEIC deception, as previously agreed on 21 November 2018;

BY CONSENT, it is ordered that:

1. The Applicant is granted permission to withdraw his claim for judicial review.
2. The Respondent shall pay the Applicant's reasonable costs, to be subject to detailed assessment if not agreed.
3. There shall be a detailed assessment of the Applicant's publicly funded costs.



Dated this 30th day of July 2020



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By The Tribunal