IN THE UPPER TRIBUNAL **JR-2025-MAN-000147**

(IMMIGRATION AND ASYLUM CHAMBER)

IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW

BETWEEN:



JR-2025-MAN-000147

THE KING

on the application of MMM

Applicant

-and-

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Responden

t _____

CONSENT ORDER

UPON the Respondent agreeing to withdraw her decision dated 10 June 2025 insofar as it refused to exercise discretion favourably to the Applicant to disregard her period of overstaying from 29 March 2022 to 5 March 2024 for purposes of the Applicant's future eligibility for indefinite leave to remain under the ten-year route to settlement ("the disregard request");

AND UPON the Respondent agreeing to communicate a fresh decision on the disregard request, and to give written reasons for that decision, within three (3) months from the sealing of this order, absent special circumstances;

AND UPON the Respondent agreeing to consider any further representations and evidence submitted on the Applicant's behalf within fourteen (14) days from the sealing of this order;

AND UPON the parties agreeing that, in making the fresh decision on the disregard request, the Respondent will consider whether to exercise discretion in accordance with the section of her published guidance "Applications from Overstayers" (version 10.0, published 4 February 2025) that deals with the exercise of discretion in exceptional or compassionate circumstances where an application is made more than 14 days after leave has expired;

AND UPON the Respondent confirming that the Applications from Overstayers policy applies to the Applicant's disregard request notwithstanding that the request was not made as part of a paid application for indefinite leave to remain;

AND UPON the Respondent agreeing that, in considering whether there are exceptional or compassionate circumstances, she will take into account that she has accepted that the Applicant's overstaying was not intentional;

AND UPON the parties agreeing, for the avoidance of doubt, that the effect of a decision to exercise discretion in the Applicant's favour as aforesaid would be that, subject to the Applicant meeting the other requirements for indefinite leave to remain at the date of any application, her period of leave to remain between 20 July 2016 and 29 March 2022 would count towards her eligibility for indefinite leave to remain under the ten-year route to settlement, the period of overstaying from 29 March 2022 to 5 March 2024 would be disregarded (and would not itself count as a period of leave), and the relevant ten-year period would not be deemed to have re-started on 5 March 2024;

AND UPON the parties agreeing that the fresh decision does not affect the Applicant's application of 2 September 2026 or any leave she holds under section 3C of the Immigration Act 1971.

IT IS ORDERED BY CONSENT THAT:

1. The Applicant has permission to withdraw her application for judicial review;
2. The substantive hearing listed for 5 November 2026 is vacated, together with all outstanding directions;
3. The Respondent shall pay the Applicant's reasonable costs of the claim, including any reserved costs, to be subject to detailed assessment if not agreed;

Dated: October 2026 29

Greater Manchester Immigration Aid Unit	Government Legal Department
1 Delaunays Road	102 Petty France
Crumpsall	London
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M8 4QS	
Nicola Burgess …… ……..	Treasury Solicitor ……
Signed on behalf of the Applicant	Signed on behalf of the Respondent

Approved UTJ O'Callaghan – 29/10/2026