



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/09198/2016

**THE IMMIGRATION ACTS**

Heard at Glasgow  
on 7 December 2017

Decision and Reasons Promulgated  
On 8 December 2017

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

HUA LIU  
(Anonymity Direction Not Made)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr S Martin, of Jain, Neil & Ruddy, Solicitors

For the Respondent: Mrs M O'Brien, Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. The appellant appeals against a decision by First-tier Tribunal Judge Porter, promulgated on 5 June 2017. His grounds are stated in the application for permission (which in terms of the TP (UT) Rules 2008, rule 23 (1A), now stands as the notice of appeal to the UT).
2. The following outcome is agreed between the parties.

3. The decision of the First-tier Tribunal errs in law, and is **set aside**.
4. In remaking the decision, the respondent accepts that account should be taken of new evidence to show that the relationship between the appellant and his wife is genuine and subsisting, and that since the date of hearing in the FtT, they have had a child.
5. The appellant's appeal, as brought to the FtT, is **allowed on human rights (article 8) grounds**.
6. No anonymity direction has been requested or made.

A handwritten signature in black ink, reading "Hugh Macleman". The signature is written in a cursive style with a large, stylized initial 'H'.

7 December 2017  
Upper Tribunal Judge Macleman