



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

Appeal Number: HU/04041/2015

THE IMMIGRATION ACTS

**Heard at Birmingham
On 20 March 2018**

**Decision & Reasons Promulgated
On 20 April 2018**

Before

UPPER TRIBUNAL JUDGE KOPIECZEK

Between

MANJIT [S]

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr S. Vokes, Counsel

For the Respondent: Ms D. Mills, Senior Home Office Presenting Officer

**DECISION PURSUANT TO RULE 40(3)(a) OF THE TRIBUNAL PROCEDURE
(UPPER TRIBUNAL) RULES 2008**

1. The appellant is a citizen of India. He appealed to the First-tier Tribunal ("FtT) against a decision dated 29 June 2015 to refuse leave to remain as a partner (of a British Citizen), and his appeal was allowed.
2. After a hearing before me on 9 August 2017, I set aside the decision of the FtT for error of law and the appeal was listed for the re-making of the decision.

3. The appellant and his British Citizen partner now have a child, born on [] 2017. In the light of that fact, and the particular circumstances of this appeal, it was conceded on behalf of the respondent that the appeal should be allowed on Article 8 grounds, with reference to Appendix FM of the Immigration Rules, with specific reference to section EX.1, and on behalf of the appellant that course was agreed.
4. Accordingly, I allow the appeal on Article 8 grounds. Pursuant to rule 40(3) (a) of the Tribunal Procedure (Upper Tribunal) Rules 2008, no reasons (or further reasons) are required, the decision being made with the consent of the parties.

Upper Tribunal Judge Kopieczek

27/03/18