



IAC-AH-DP-V1

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

Appeal Numbers: IA/47541/2014
IA/47543/2014
IA/47551/2014

THE IMMIGRATION ACTS

**Heard at Field House
On 17 February 2016**

**Decision & Reasons Promulgated
On 3 March 2016**

Before

DEPUTY UPPER TRIBUNAL JUDGE DAVEY

Between

**MR VENKATESHWARLU BOMMIDI (FIRST APPELLANT)
MRS KALYANI JUNNUTHULA (SECOND APPELLANT)
[S B] (THIRD APPELLANT)
(ANONYMITY DIRECTION NOT MADE)**

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Mr A Sreevalsalan, Solicitor of Legend Solicitors
For the Respondent: Ms Sreeraman, Senior Presenting Officer

DECISION AND REASONS

1. The Appellants, nationals of India, dates of birth respectively 13 November 1979, 11 June 1983 and [-] appealed against the Respondent's decisions dated 11 November 2014 to refuse to vary leave to remain as a Tier 1 (General) Migrant and dependants. Their appeals came before First-tier Tribunal Judge Lingam who on 3 July 2015 allowed their appeals in respect

of grounds of refusal relating to paragraph 322 of the Immigration Rules but submitted the matter to the Secretary of State to make a decision in accordance with law in relation to other grounds in being.

2. That course was agreed between the parties before the Judge and the Judge concurred with it.
3. The permission to appeal was given on 12 November 2015 and the Respondent made a Rule 24 response on 16 December 2015. At the hearing of the appeal Mr Sreevalsalan indicated that the Appellants did not wish to pursue their appeal against the decision of the First-tier Tribunal Judge but rather were content for the matter to be determined, as previously agreed, by the Secretary of State.
4. In the circumstances Ms Sreeraman agreed with that course and raised no objections. Accordingly I find the Original Tribunal made no error of law and the appeals are dismissed subject to the First-tier Tribunal's Judge's determination as to the proper consideration of the claims by the Secretary of State.

DECISION

Appeals dismissed.

No anonymity direction is made.

Signed

Date 28 February 2016

Deputy Upper Tribunal Judge Davey