



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

Appeal Number: HU/03062/2015

THE IMMIGRATION ACTS

**Heard at Field House
On 26th May 2017**

**Decision & Reasons Promulgated
On 5th June 2017**

Before

DEPUTY UPPER TRIBUNAL JUDGE ZUCKER

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**MR MUYIWA LUKMAN LAWAL
(ANONYMITY DIRECTION NOT MADE)**

Respondent

Representation:

For the Appellant: Mr P Duffy, Home Office Presenting Officer

For the Respondent: Ms M Hannan, Counsel, instructed by Corban Solicitors

DECISION AND REASONS

1. Mr Lawal is a citizen of Nigeria. His date of birth is recorded as 20th February 1987. He made application for leave to remain in the United Kingdom on human rights grounds which application was refused on 7th July 2015. He appealed. His appeal was heard by Judge of the First-tier Tribunal Colvin sitting at Taylor House on 7th October 2016. At that time the Appellant's partner was pregnant. Since then she has given birth to a

girl. Having heard the evidence Judge Colvin allowed the appeal. Having regard to the wider application of Article 8 the principal consideration appears to have been that the Appellant's partner was at that time pregnant.

2. Not content with that decision, by Notice dated 14th November 2016, the Secretary of State made application for permission to appeal on the basis as set out in the grant of permission of Judge of the First-tier Tribunal Grant-Hutchinson which was that the judge had misdirected herself in basing her decision on future events going beyond the date of the hearing on the basis that the Appellant's British partner was expecting a child in early 2017.
3. I have to say that that was an extraordinarily generous grant and, in my view, missed the point. The judge did not base the decision on future events at all. The decision was based on that which existed at the time, namely that the Appellant's partner was at that time pregnant.
4. Mr Duffy has taken a very realistic and reasonable view in this case. He does not seek to persuade me in any way whatsoever to do anything other than to dismiss the appeal which I do.

Notice of Decision

The appeal to the Upper Tribunal is dismissed. The Decision of the First-tier Tribunal is affirmed.

Signed

Date

Deputy Upper Tribunal Judge Zucker