



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

Appeal Number: IA/28486/2015 + 3

THE IMMIGRATION ACTS

On the papers

**Decision &
Promulgated**

Reasons

On 25 September 2017

On 26 September 2017

Before

UPPER TRIBUNAL JUDGE PLIMMER

Between

**AI + 3
(ANONYMITY DIRECTION MADE)**

Appellants

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION

On 22 August 2017 I gave the following directions:

“1. In a decision dated 14 July 2017 I found that the decision of the First-tier Tribunal dated 24 October 2016 contained an error of law and I set it aside. Both parties agreed that the decision would be remade by me but that it was appropriate for the hearing to be adjourned to enable the respondent to reconsider her position following the eldest child’s acquisition of British citizenship.

2. In a position statement dated 17 August 2017, Mr Bates on behalf of the respondent confirmed that PNC checks were undertaken of the lead appellant and no adverse information was identified. The respondent expressly accepted that it is not

reasonable to expect the child to depart the UK for Nigeria, and that it would be appropriate to grant leave to the lead appellant and her dependents, to enable them to remain in the UK with the British citizen child.

3. The respondent invited me to decide the appeal on the papers. My provisional view is that it is appropriate to allow the appeal without a further hearing. The respondent has effectively conceded that as at the date of hearing it would not be reasonable to expect the lead appellant and her dependents to leave the UK and as such section 117B(6)(b) of the Nationality Immigration and Asylum Act 2002 works in the appellants' favour, such that the appeal should be allowed on Article 8 grounds.

4. Subject to any written representations to the contrary being filed and served before 4pm on Fri 8 September 2017, a decision will be promulgated allowing the appeal on the basis set out above."

As no further representations have been provided, this appeal is allowed.

Signed: Ms Melanie Plimmer
2017
Judge of the Upper Tribunal

Dated: 25 September