



**Upper Tribunal
(Immigration and Asylum Chamber)
IA/42730/2013**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Bradford

Decision & Reasons

On 24 August 2017

Promulgated

On 11 September 2017

Before

UPPER TRIBUNAL JUDGE CLIVE LANE

Between

TAIMOOR AZIZ
(ANONYMITY DIRECTION NOT MADE)

Appellant

And

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Davison, Ison Harrison, Solicitors

For the Respondent: Mrs Pettersen, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant, Taimoor Aziz, is a citizen of Pakistan. Following an initial hearing in this appeal on 14 May 2014, I made a decision that the First-tier Tribunal had erred in law such that its decision fell to be set aside.
2. As matters have transpired, the optimism which the parties expressed as to the likely speed of the conclusion of the family court contact proceedings which the appellant had commenced in 2014 has not been justified. After a number of adjournments, this matter came before me on 24 August 2017 at Bradford. Surprisingly, even now no final order has been made on the appellant's application to have contact with his

children. However, the most recent order (22 July 2017) provides for the appellant to have continuing supervised contact. It is also clear from the order that CAFCASS and the family court are proceeding towards a conclusion on the basis that the appellant will continue to have regular contact whether supervised or unsupervised.

3. It is clearly time that these proceedings are brought to a conclusion. Both representatives agreed with me at the hearing that, in the light of the appellant's evident commitment to his children and his determination to maintain a relationship with them, the appropriate course of action would be for the Upper Tribunal to allow the appellant's appeal on Article 8 ECHR grounds. The length of any leave which will be granted to the appellant is, of course, a matter for the Secretary of State. In any event, the appellant has and continues to enjoy a genuine and subsisting relationship with qualifying children who are British citizens. In the circumstances, the public interest will not require his removal from the United Kingdom.

Notice of Decision

4. Having set aside the First-tier Tribunal determination promulgated on 3 March 2014, the Upper Tribunal has remade the decision. The appellant's appeal is allowed on Article 8 ECHR grounds.
5. No anonymity direction is made.

Signed

Date 5 September 2017

Upper Tribunal Judge Clive Lane