



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

Appeal Number: IA/03935/2014

**THE IMMIGRATION ACTS**

**Heard at Bradford**

**On 28<sup>th</sup> August 2014**

**Determination  
Promulgated**

**On 3<sup>rd</sup> September 2014**

**Before**

**UPPER TRIBUNAL JUDGE D E TAYLOR**

**Between**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**and**

**FELIX BANDA**

Respondent

**Representation:**

For the Appellant: Mrs R Pettersen, Home Office Presenting Officer

For the Respondent: Mr C Cole of Parker Rhodes Hickmotts

**DETERMINATION AND REASONS**

1. This is the Secretary of State's challenge to the decision of Judge Hindson made following a hearing at Bradford on 2<sup>nd</sup> May 2014.
2. In his decision Judge Hindson dismissed the appeal under the Immigration Rules but allowed it on human rights grounds.

3. The Secretary of State sought and was granted permission on 23<sup>rd</sup> June 2014 to challenge Judge Hindson's decision. However at the hearing Mrs Pettersen confirmed that she was withdrawing her challenge.

**Decision**

4. The judge's decision stands and Mr Banda's appeal is allowed.

Signed

Date

Upper Tribunal Judge Taylor