



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: HU/21539/2016

**THE IMMIGRATION ACTS**

Heard at Manchester Civil Justice Centre  
On 10 January 2019

Decision and Reasons Promulgated  
On 25 April 2019

Before

DEPUTY UPPER TRIBUNAL JUDGE O'RYAN

Between

YZ  
(ANONYMITY ORDER MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Mr C Timson, Counsel, instructed by AGI Solicitors

For the Respondent: Mr Tan, Senior Home Office Presenting Officer

**DECISION AND REASONS**

UPON hearing from Mr Timson for the appellant and Mr. Tan for the respondent

AND UPON considering the decision of First tier Tribunal Judge Thorne dated 17 July 2017 dismissing the appellant's appeal against the respondent's decision of 24 August 2016 refusing the appellant's human rights claim; the appellant's grounds of appeal dated 16 January 2018; and the grant of permission to appeal dated 10 October 2018

AND UPON it being agreed between the parties, following **KO (Nigeria) & Ors v SSHD (Respondent)** [2018] UKSC 53, that in placing significant weight on the appellant's poor immigration history, when determining whether, under s.116B(6) Nationality, Immigration and Asylum Act 2002, it would be reasonable to expect the appellant's son YCL to leave the United Kingdom, the judge erred in law

AND UPON it being agreed between the parties that the judge's decision should be set aside

AND UPON the respondent indicating that the appellant's evidence in the appeal is unchallenged

AND UPON it being recorded that YCL is now registered as a British Citizen

AND UPON the respondent also indicating that for the purposes of the remaking of the decision, the respondent's position is now that it would be unreasonable for YCL to be expected to leave the United Kingdom, and that the public interest does not therefore require the appellant's removal from the United Kingdom

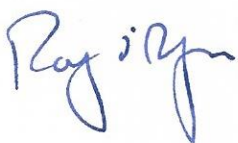
AND UPON this Tribunal finding that it is appropriate to make such an order

IT IS HEREBY ORDERED, BY CONSENT, UNDER RULE 39, TRIBUNAL PROCEDURE (UPPER TRIBUNAL) RULES 2008, THAT:

- 1 The decision of the judge is set aside
- 2 The appeal is allowed on human rights grounds.

Signed:

Date: 19.4.19




Deputy Upper Tribunal Judge O'Ryan

**Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008**

This appeal concerns the interests of a minor child. Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify them or any member of their family. This direction applies both to the appellants and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed:

Date: 19.4.19

A handwritten signature in blue ink, appearing to read 'Ray O'Ryan', is written over a faint circular stamp.

Deputy Upper Tribunal Judge O’Ryan