



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

Appeal Number: IA/39648/2014

THE IMMIGRATION ACTS

**Upper Tribunal Bradford
On 23 August 2015**

**Decision Promulgated
On 26 August 2015**

Before

UPPER TRIBUNAL JUDGE CLIVE LANE

Between

SUKHWANT SINGH

Appellant

and

Secretary of State for the Home Department

Respondent

DECISION AND REASONS

1. The first appellant is a citizen of India. I made directions in the following terms on 4 August 2015:


1. It is arguable that the exercise of discretion to grant indefinite leave to remain in this instance lay with the respondent and not the First-tier Tribunal judge.

Directions

2. I propose to set aside the First-tier Tribunal determination and to remake the decision allowing the appellant's appeal to the limited extent that the matter is remitted to the Secretary of State for her to consider whether to grant the appellant indefinite leave to remain. If either party objects to that course of action, they must notify the Upper Tribunal in writing no later than **1600 hours on 21 August 2015**.
2. I have received no response from either party.

NOTICE OF DECISION

The First-tier Tribunal decision is set aside. I have remade the decision. I allow the appellant's appeal to the limited extent that the matter is remitted to the Secretary of State for her to consider whether to grant the appellant indefinite leave to remain.

A handwritten signature in black ink that reads "C. N. Lane". The signature is written in a cursive style with a large initial 'C' and a long horizontal stroke at the end.

Signed
Upper Tribunal Judge CLIVE LANE

23 August 2015