



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

Appeal Number: IA/16229/2015

THE IMMIGRATION ACTS

**Heard at Field House
On 8th December 2017**

**Decision & Reasons
Promulgated
On 9th February 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE R C CAMPBELL

Between

**STELLA [K]
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms M Harris (Counsel)

For the Respondent: Mr D Mills, (Senior Home Office Presenting Officer)

DECISION AND REASONS

1. In a decision promulgated on 2nd October 2017, I set aside the decision of the First-tier Tribunal in which the appellant's appeal against a decision to refuse her human rights claim was dismissed. I directed that the decision be remade in the Upper Tribunal, before me, on the first available date.

2. At the heart of the appellant's case is a contention that the presence here of her children, and in particular the oldest child, is such that refusal of her human rights claim amounts to a disproportionate response. At the time of the hearing before the First-tier Tribunal, the oldest child was 9 years of age and had been present in the United Kingdom for his entire life.
3. Mr Mills, for the Secretary of State, said that the child was now 10 years old, his birthday having passed in August 2017. He was entitled to be registered as a British citizen and, as he understood matters, an application was pending. In those circumstances, the Secretary of State intended to take a pragmatic course and concede the appeal. Ms Harris had nothing she wished to add.
4. On the basis of the concession made by the Secretary of State, and having taken into account my decision setting aside the First-tier Tribunal decision and the evidence before the Upper Tribunal, I allow the appeal.

Notice of Decision

The appeal is allowed.

Signed

Date 06 February 2018

Deputy Upper Tribunal Judge R C Campbell

ANONYMITY

The First-tier Tribunal made an anonymity order and it was maintained by me in the Upper Tribunal. In the light of the outcome and the decision to allow the appeal, and in the absence of any application by either party to maintain anonymity, I discharge the anonymity order made by me under Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 and it shall cease to have effect.

Signed

Date 06 February 2018

Deputy Upper Tribunal Judge R C Campbell

TO THE RESPONDENT **FEE AWARD**

As the appeal has been allowed, I make a fee award in respect of any fee which has been paid or is payable in these proceedings. I can see that the certificate of fee satisfaction was issued on 25th May 2015.

Signed

Date

Deputy Upper Tribunal Judge RC Campbell