



**Upper Tribunal  
(Immigration and Asylum Chamber)** Appeal Number: HU/14456/2018

**THE IMMIGRATION ACTS**

**Heard at Field House**

**On 5 June 2019**

**Decision and Reasons**

**Promulgated**

**On 13 June 2019**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE JORDAN**

**Between**

**MR BHUPINDER SINGH  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr B. Bellasa, instructed by Louis Kennedy, solicitors

For the Respondent: Mr T. Lindsay, Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. Pursuant to the Rule 24 response of the Secretary of State dated 22 May 2019, I allow the appeal of the appellant and set aside the decision of the First-tier Tribunal Judge. I re-make the decision allowing the appellant's appeal against the decision of the Secretary of State.
2. The two children are British citizens. They do not hold Indian citizenship. This decision reflects the current understanding of s.117B(6) of the 2002 Act, as amended, and the decision of the

Supreme Court in *KO (Nigeria) and others v SSHD* [2018] UKSC 53; [2019] Imm AR 400.

DECISION

- (i) I allow the appellant's appeal and set aside the decision of the First-tier Tribunal.
- (ii) I re-make the decision allowing the appellant's appeal against the decision of the Secretary of State made on 25 June 2018 refusing him leave to remain in the United Kingdom.

ANDREW JORDAN  
DEPUTY UPPER TRIBUNAL JUDGE  
Dated 5 June 2019