



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: IA/30431/2015

THE IMMIGRATION ACTS

Heard at Field House
On 14th December 2018

Decision & Reasons Promulgated
On 15th January 2019

Before

DEPUTY UPPER TRIBUNAL JUDGE ZUCKER

Between

ZUBAIR BIN MUSLIMA PEERBOCUS
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms U Miszkiel, Counsel, instructed by Aschfords Law Solicitors

For the Respondent: Mr S Walker, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant is a citizen of Mauritius, whose date of birth is recorded as 19th January 1980. He made application for indefinite leave to remain in the United Kingdom based upon long residency. His case was that he had been in the United Kingdom lawfully for ten years. A decision was made by the Secretary of State to refuse the application. The Appellant appealed and his appeal was heard on 20th February 2018 by Judge of the First-tier Tribunal Buckwell, sitting at Taylor House. He dismissed the appeal.

2. It is not necessary for me to say very much in this case for the reasons that follow but, not content with the decision, by Notice dated 6th April 2018 the Appellant sought application for permission to appeal to the Upper Tribunal. That was initially refused but a renewed application resulted in permission being granted by Upper Tribunal Judge Martin on 12th November 2018. Thus the matter comes before me.
3. Quite properly, Mr Walker concedes the appeal. I agree entirely. The case turned on whether there was continuing 3C leave. There was and that is not in dispute.
4. In the circumstances, the decision of the First-tier Tribunal is set aside and remade such that the appeal is allowed.

Notice of Decision

The appeal to the Upper Tribunal is allowed. The decision of the First-tier Tribunal is set aside and remade such that the appeal in the First-tier Tribunal is allowed.

No anonymity direction is made.

Signed

Date: 7 January 2019



Deputy Upper Tribunal Judge Zucker

TO THE RESPONDENT
FEE AWARD

In addition, I make a full fee award in the sum of £140.

Signed

Date: 7 January 2019



Deputy Upper Tribunal Judge Zucker