



Upper Tribunal

(Immigration and Asylum Chamber) Appeal Number: HU/09465/2019
(P)

THE IMMIGRATION ACTS

Decided under rule 34

**Decision & Reasons
Promulgated**

On 3 August 2020

On 11 August 2020

Before

UPPER TRIBUNAL JUDGE FRANCES

Between:

LEELA SANKAR NARAYANASAMI

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

1. The Appellant is a citizen of India born on 8 January 1975. He appeals against the decision of First-tier Tribunal Judge Suffield-Thompson, dated 19 July 2019, dismissing his appeal against the refusal of leave to remain on human rights grounds.
2. Permission to appeal was granted by Upper Tribunal Judge Macleman on 28 October 2019. It was accepted in the initial Rule 24 response that the First-tier Tribunal had erred in law in failing to apply Chikwamba, but that the error law was not material.

3. In response to further directions from the Upper Tribunal, indicating a remote hearing, the Respondent accepted, on 10 July 2020, that the error of law was material. It was accepted the judge found the relationship between the Appellant and Sponsor was genuine and the financial requirements were met.
4. The Respondent stated: "Given the change in circumstances since this appeal began, i.e. the appellant and sponsor's son gaining entry clearance because of his exceptional circumstances in India and the impact on family life along with the sponsor's employment this appeal is not resisted."

Conclusions and reasons

5. Given the Respondent's concession, I find that the First-tier Tribunal erred in law. I set aside the decision of 19 July 2019 and remake it. The Appellant's appeal is allowed on human rights grounds.

Notice of decision

Appeal allowed

No anonymity direction made

J Frances

Signed

Date: 3 August 2020

Upper Tribunal Judge Frances