



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

Appeal Number: HU/18772/2018 (P)

**THE IMMIGRATION ACTS**

**Determined under rule 34  
Without a hearing  
On 4<sup>th</sup> June 2020**

**Decision & Reasons Promulgated  
On 17<sup>th</sup> June 2020**

**Before**

**MR C. M. G. OCKELTON, VICE PRESIDENT**

**Between**

**XIAROU GUO**

**and**

Appellant

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

Respondent

**DETERMINATION AND REASONS**

1. The appellant, a national of China, appeals, with permission, to this Tribunal against the decision of Judge Debra Clapham in the First-tier Tribunal dismissing his appeal on human rights grounds against the decision of the respondent on 29 August 2018 refusing him leave to remain in the United Kingdom.
2. The Tribunal's directions have been the subject of responses and submissions by both parties. The exchange of material in this way has enabled the respondent to appreciate outside the tense circumstances of a hearing, the way in which the appellant's case is put. Mr Avery, on behalf of the respondent, indicates in his letter dated 28 May 2020 that the Secretary of State accepts that the judge erred in law in failing to give proper consideration to the Article 8 rights of the family as a whole, that her decision should be set aside and that, given the appellant's

relationship with a qualifying child, there is no reason why leave should not be granted. He invites the Tribunal to allow the appeal.

3. In the circumstances this appeal is eminently suitable for determination without a hearing and I so determine it. I agree with Mr Avery's observations. I set aside the decision of Judge Clapham and substitute a decision allowing the appellant's appeal.

C. M. G. Ockelton

C. M. G. OCKELTON  
VICE PRESIDENT OF THE UPPER TRIBUNAL  
IMMIGRATION AND ASYLUM CHAMBER  
Date: 4 June 2020