



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

Appeal Number: HU/08225/2015

THE IMMIGRATION ACTS

**Heard at Field House
On 26 May 2017**

**Decision & Reasons Promulgated
On 8 June 2017**

Before

UPPER TRIBUNAL JUDGE O'CONNOR

Between

**ANAND SINGH
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr O'Brien, instructed by MK Gill Solicitors
For the Respondent: Mr Tarlow, Senior Presenting Officer

DECISION AND REASONS

(Delivered orally 26 May 2017)

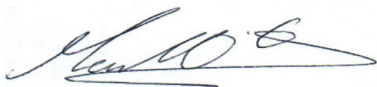
1. This is an appeal brought before the Upper Tribunal against the decision of First-tier Tribunal Judge Aujla promulgated on 22 November 2016. Judge Aujla dismissed the appellant's appeal against a decision of the Secretary of State (SSHD) of 8 October 2015 refusing the appellant leave to remain.

2. The grounds of appeal are lengthy and permission was not granted in relation to each of the grounds pleaded. I do not, however, need to consider the grounds in detail as a consequence of a most sensible agreement between the parties as to the appropriate course for disposing of the proceedings before me.
3. At the outset of the hearing I observed, and it had not been lost on either party, that since the decision of the First-tier Tribunal the appellant's wife had given birth to a British citizen child – the appellant being the father of the child. It is plain that this event has strengthened the appellant's article 8 claim, in part as a consequence of provisions of the section 117B of the 2002 Act and in part as a consequence of the terms of the guidance the SSHD provides to her decision makers when consideration is to be given to whether it is reasonable to require a British citizen child to move outside of the EU.
4. Mr Tarlow made efforts to take instructions on whether the SSHD wished, in light of the aforementioned significant even, to withdraw the decision under challenge and reconsider the appellant's application in light of the facts as they now stand. Unfortunately he was unable to take such instructions but, nevertheless, of his own motion (and entirely properly in my view) withdrew the decision under challenge.
5. Mr O'Brien, upon instructions, subsequently withdrew the appellant's appeal before the Upper Tribunal. As a consequence, I am left with one decision to make, that is whether to consent to the appellant's withdrawal of the appeal. I, of course, fully concur with the approach taken by the parties and give such consent.

Notice of Decision

The appeal before the Upper Tribunal is withdrawn for the reasons I have alluded to above.

Signed:



Upper Tribunal Judge O'Connor
26 May 2017