



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

Appeal Number: HU/17493/2018

**THE IMMIGRATION ACTS**

**Heard on papers**

**Decision & Reasons Promulgated  
On 8<sup>th</sup> September 2020**

**Before**

**UPPER TRIBUNAL JUDGE ALLEN**

**Between**

**SAM JOHN  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

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

Respondent

**DECISION AND REASONS**

1. The appellant is a national of India. He and his wife appealed to the First-tier Tribunal against adverse decisions made in respect of the appellant on 24 April 2018 and of his wife on 30 May 2018.
2. The appeals were dismissed and permission to appeal was subsequently granted by a Judge of the First-tier Tribunal.
3. I need say little more about the history of this case since submissions were received from the Secretary of State dated 9 July 2020 in a Rule 24 response. In that response it was conceded that the grounds of appeal were made out and the Tribunal was invited to set aside the First-tier Tribunal's determination.
4. As regards the remaking of the decision, the Secretary of State acknowledged that the appellant's three children are now British citizens

following their naturalisation on 2 June 2020 and that in the light of this change of circumstances it was conceded that the appeal fell to be allowed. As a consequence, the respondent invited the Tribunal to remake the decision of the First-tier Tribunal and allow the appellant's appeal.

5. I am grateful for this helpful submission made on behalf of the respondent by Mr Clarke. I see no reason not to agree with the conclusions set out there and it follows that the First-tier Tribunal's decision is set aside and the appeal against the Secretary of State's decision is as a consequence allowed.

### **Notice of Decision**

The appeal is allowed.

No anonymity direction is made.

A handwritten signature in black ink, appearing to be 'Allen', written in a cursive style.

Signed  
Upper Tribunal Judge Allen

Date 30 July 2020