



**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: HU/03813/2020**

THE IMMIGRATION ACTS

**Heard at Bradford (via Microsoft teams)
On the 15 July 2020** **Decision & Reasons Promulgated
On the 15 August 2022**

Before

UPPER TRIBUNAL JUDGE HANSON

Between

FORTUNE SIBANDA
(Anonymity direction not made)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: In person.

For the Respondent: Ms Young, a Senior Home Office Presenting Officer.

DECISION AND REASONS

- 1.** By a decision dated 31 December 2021 the Upper Tribunal set aside the decision of the First-tier Tribunal and provided directions for a further hearing of this appeal.
- 2.** The appellant has provided additional evidence including a witness statement dated 21 February 2022 for himself and his former partner, the mother of their child, together with photographs showing the appellant and the child together.

3. At today's Resumed hearing both the appellant and his former partner attended and were cross-examined. Following the assessment of the written material, combined with the answers given by both witnesses to questions put in cross examination, it was accepted by Ms Young that in light of the evidence heard there is a genuine subsisting parental relationship between the appellant and the child, a British citizen residing with his mother, and that it was not reasonable to expect the child to leave the United Kingdom.
4. As it is accepted the appellant is entitled to succeed with his appeal on human rights grounds, I allow the appeal.

Decision

5. I allow the appeal.

Anonymity.

6. The First-tier Tribunal made no order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

I make no order pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008.

Signed.....
Upper Tribunal Judge Hanson

Dated 15 July 2022