



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

Appeal Number: IA/39857/2014

THE IMMIGRATION ACTS

**Heard at Field House
On 29 January 2016**

**Decision & Reasons Promulgated
On 24 February 2016**

Before

DEPUTY JUDGE DRABU CBE

Between

NAVEED ANJUM

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr N Atta, Legal Representative from Ata & Co, Solicitor

For the Respondent: Mr S Staunton, Senior Presenting Officer

DECISION AND REASONS

1. This appeal has been brought by Mr Naveed Anjum, a citizen of Pakistan against the decision of Judge Ian Howard who dismissed the appeal he had brought against the respondent's decision to remove him pursuant to Section 47 of the IAN 2006. The First Tier Judge Ian Howard sitting at Hatton Cross heard the appeal on 1 June 2015 but for reasons given in his determination dated 3 August 2015 concluded that the appellant does not qualify to remain either under Immigration Rules or under Article 8 of the ECHR. The appellant was granted permission to appeal by First Tier Judge Frankish on 1 December 2015.

2. At the hearing before me Mr Staunton after hearing submissions from Mr Ata agreed that Judge I Howard had made a material error of law in that he had used the date of the impugned decision rather than the date of the appeal for his findings. By that time the couple had cohabited for over two years and their first child was due in 4 weeks' time. Mr Staunton quite properly conceded that the grounds upon which permission had been granted are made out and that since material facts are not in dispute I should proceed to determine the appeal on its merits.
3. I do so and allow the appeal as by the time the appeal he had brought under Section 82 of the IAN Act 2006, the appellant had been living with his wife for more than two years and her status in the UK was that of a refugee and hence there are insurmountable obstacles in continuing her family life in either Afghanistan or Pakistan. The appellant meets the requirements of E-LTRP.1.2 to 1.12 and paragraph 276ADE.

K Drabu CBE
Deputy Judge of the Upper Tribunal.
15 February 2016