



IAC-FH-AR-V1

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

Appeal Numbers: IA/01567/2015
IA/01574/2015
IA/01580/2015
IA/01582/2015
IA/01588/2015
IA/01596/2015

THE IMMIGRATION ACTS

Heard at Field House

On 17 March 2016

Decision &

Promulgated

On 19 April 2016

Reasons

Before

UPPER TRIBUNAL JUDGE PERKINS

Between

ABIODUN FATIMAH ASHABI

OLAYIWOLA-OKE

BENJAMIN OLAYIWOLA-OKE

[F O]

[B O]

[D O]

[Z O]

(ANONYMITY DIRECTION NOT MADE)

First Appellant

Second Appellant

Third Appellant

Fourth Appellant

Fifth Appellant

Sixth Appellant

Appellants

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Mr O Yekini, Solicitor, Supreme Solicitors

For the Respondent: Miss A Brocklesby-Weller, Home Office Presenting Officer

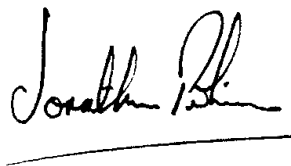
DECISION AND REASONS

1. This is an appeal against the decision of the First-tier Tribunal dismissing the appeal of the appellants against the decision of the respondent on 16 December 2014 to remove them from the United Kingdom under Section 10 of the Immigration and Asylum Act 1999. The first and second appellants are married to each other. The remaining appellants are their children. Although the children are minors I see no reason to restrict reporting. There is nothing in this decision that I regard as confidential or potentially embarrassing.
2. On 26 June 2015 the fourth appellant appears to have become a British citizen. He was born in 2005 and, I assume, relied on 10 years lawful residence to establish his claim to citizenship. It seems very unlikely that that appellant can be removed.
3. The First-tier Tribunal dismissed each these appeals and, before me, it was agreed that the decision of the First-tier Tribunal cannot be right because it did not have proper regard to the consequences of one of the children being a British citizen.
4. The parties further agreed that the change of facts meant that the entire decision of the Secretary of State in each case was unlawful because it was based on facts which are not true and that therefore I should set aside the decision of the First-tier Tribunal and substitute a decision in each case that the decision is not in accordance with the law. It remains for the Secretary of State to make a lawful decision in each case taking note of the changed status of the fourth appellant.
5. I therefore make that order as the parties agreed.

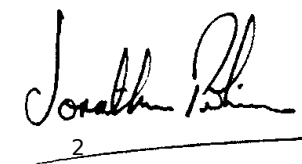
Notice of Decision

6. The appeal is allowed.

Signed
Jonathan Perkins
Judge of the Upper Tribunal



Dated 18 April 2016



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