



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

Appeal Numbers: HU/01295/2017
HU/01297/2017
HU/01296/2017
HU/01299/2017

THE IMMIGRATION ACTS

Field House

**Decision & Reasons
Promulgated
On 16th October 2018**

Before

UPPER TRIBUNAL JUDGE KOPIECZEK

Between

**QC
SH
RC
MC**

(ANONYMITY ORDER MADE)

Appellants

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**DECISION PURSUANT TO RULE 40(3)(a) OF THE TRIBUNAL PROCEDURE
(UPPER TRIBUNAL) RULES 2008**

1. The appellants appealed to the First-tier Tribunal (“FtT”) against decisions to refuse leave to remain on Article 8 grounds. The FtT dismissed the appellants’ appeals. Permission to appeal against the FtT’s decision was granted to the appellants by a judge of the Upper Tribunal.

2. The respondent has provided a 'rule 24' response in which it is stated that the respondent "does not oppose the appellants' application for permission to appeal". I have taken that to mean that the actual appeal is not opposed since permission has already been granted.
3. The respondent then states in the rule 24 response that she makes an application to withdraw her case pursuant to rule 17 of the Tribunal Procedure (Upper Tribunal) Rules 2008 ("the Procedure Rules") as it is intended to grant the appellants leave to remain.
4. However, there is a decision of the First-tier Tribunal which stands unless and until it is set aside. It seems to me that in the circumstances this matter can be dealt with pursuant to rule 40(3) of the Procedure Rules given that both parties in effect agree that the decision of the FtT involved the making of an error on a point of law and should be set aside with the appeals being allowed.
5. In the circumstances, and considering the decision of the FtT, the grounds of appeal in relation to its decision, the grant of permission to appeal, and all other relevant documentation, I am satisfied that there is an error of law in the decision of the FtT and set its decision aside. I re-make the decision by allowing the appeals of each appellant.
6. Pursuant to rule 40(3)(a) of the Tribunal Procedure (Upper Tribunal) Rules 2008, no reasons (or further reasons) are required, the decision being made with the consent of the parties.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Given the ages of the minor appellants, unless and until a Tribunal or court directs otherwise, the appellants are granted anonymity. No report of these proceedings shall directly or indirectly identify them or any member of their family. This direction applies both to the appellants and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Upper Tribunal Judge Kopieczek

10/10/18