



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

Appeal Number: HU/07148/2018  
HU/07150/2018  
HU/07151/2018

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 20<sup>th</sup> December 2019**

**Decision & Reasons Promulgated  
On 31<sup>st</sup> December 2019**

**Before**

**UPPER TRIBUNAL JUDGE COKER**

**Between**

**OA  
OE  
CN**

**Appellant**

**And**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

**Respondent**

**Representation:**

For the Appellant: Mr S Harding, instructed by Baron Grey Solicitors  
For the Respondent: Mr T Melvin, Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

**Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) I make an anonymity order. Unless the Upper Tribunal or a Court directs otherwise, no report of these proceedings or any form of publication thereof shall directly or indirectly identify the appellant in this determination identified as OA, OE**

**and CN. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to contempt of court proceedings**

1. For the reasons given in a decision promulgated on 25<sup>th</sup> January 2019, I set aside the decision of First-tier Tribunal Judge Herlihy who refused the appellants' human rights claims. The resumed hearing was listed on a number of occasions but adjourned to await a decision by the respondent on a linked application – the partner of OA who had pending an application for leave to remain on a '10-year route' because of his relationship with a child from a former relationship.
2. A decision on that application has now been taken and he now has leave to remain until 15<sup>th</sup> January 2022.
3. As acknowledge by Mr Melvin, there is no reason to doubt the genuine and subsisting relationship between that person and these three appellants; nor is it doubted that the best interest of the children is that they remain in the care of that person and OA with whom they enjoy family life. Those are two of the findings of fact made by the First-tier Tribunal Judge and they have not been challenged by the respondent.
4. Mr Melvin did not seek to withdraw the decisions which were the subject of the appeals but acknowledged that given the relationships involved he did not seek to oppose the appeals being allowed.
5. In the light of the evidence before me and Mr Melvin's lack of opposition I allow the appellants appeals against the refusal of their human rights claims.

Conclusions:

The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law and was set aside.

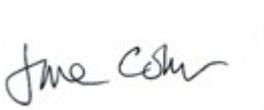
I re-make the decision in the appeals by allowing them.

**Anonymity**

The First-tier Tribunal made an order pursuant to rule 13 of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014.

I continue that order (pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008).

Date 20<sup>th</sup> December 2019



Upper Tribunal Judge Coker