



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2024-004303 & UI-2024-
004304
First-tier Tribunal No: HU/54146/2023
& HU/54149/2023

THE IMMIGRATION ACTS

Decision & Reasons Issued:

On 28th of November 2024

Before

UPPER TRIBUNAL JUDGE SHERIDAN
DEPUTY UPPER TRIBUNAL JUDGE BARTLETT

Between

Miss Adalyn Nii Quaye
Miss Kendra Nii Quaye
(ANONYMITY ORDER NOT MADE)

Appellants

and

Secretary of State for the Home Department

Respondent

Representation:

For the Appellants: Mrs Srindran, Counsel instructed by FB Solicitors

For the Respondent: Ms MacKenzie, Senior Home Office Presenting Officer

Heard at Field House on 18 November 2024

DECISION AND REASONS

1. The appellants are the children of the sponsor and they live in Ghana. On 14 October 2022 they applied for entry clearance to join their mother in the United Kingdom. Their application was refused by the respondent and the appellants subsequently appealed to the First-tier Tribunal. In a decision dated 25 April 2024 Judge of the First-tier Tribunal Chohan rejected the appeal on the basis that the sponsor could not establish that she had sole responsibility for the appellants under paragraph 297(i)(e) of the immigration rules.
2. Following an application for permission to appeal by the appellants, in a decision dated 13 September 2024 Permission to Appeal was granted from the Decision of Judge Chohan dated 25 April 2024. The sole ground of appeal in respect of which permission was granted was that Judge Chohan failed to

properly consider the role of the father in the appellants' lives and apply the relevant test in *TD (paragraph 297(1)(e): sole responsibility) Yemen [2006] UKAIT 49* ("TD Yemen").

3. We heard oral submissions from both parties at the hearing which we will not repeat all of here. Mrs Srin dran submitted that stating that the father has not abdicated responsibility is not enough to discharge the threshold in *TD Yemen* especially given the finding that the appellants' live with their grandmother. She submitted that the judge erred by not making an adequate finding about the father's involvement in the appellants' lives.
4. Ms MacKenzie submitted that Judge Chohan applied *TD Yemen* and relied on paragraph 52(iv) of *TD Yemen* which sets out that "*wherever the parents are, if both parents are involved in the upbringing of the child, it will be exceptional that one of them will have sole responsibility.*" She also relied on sub paragraph 9.
5. At paragraph 8 of the Determination Judge Chohan makes findings concerning the sponsor and finds that she has exercised parental responsibility for the appellants. This is unchallenged.
6. At paragraph 14 Judge Chohan sets out: "*to make it clear, I am satisfied, for the reasons set out above, that the sponsor has parental responsibility for the appellants. Indeed, that is not disputed. The bottom line is that the sponsor does not have sole responsibility for the appellants. I say that for the reasons set out above. It follows that the appellants failed to meet the requirements of the relevant immigration rules.*"
7. The only reasons that are set out above paragraph 14 in the decision under appeal are in paragraph 13 which sets out a finding that the appellants' biological father registered their births at the registry. That paragraph also makes reference to a letter the appellants produced to counter the respondent's argument that their biological father was still involved in their lives. The Judge rejected the appellants' argument that it was their uncle who registered their births i.e. that their father had no involvement.
8. At paragraph 15 Judge Chohan sets out "*the appellants still have their biological father in Ghana and that is evidence by the fact that he was the one who registered their births in February 2023.*"
9. We reject Mrs Srin dran's submission that the judge was required to make further findings about the appellants' father's involvement in their lives. The judge correctly set out that it was for the appellants to demonstrate that their mother had sole responsibility for them. As *TD Yemen* sets out in paragraph 52(iv), in cases where both parents are involved in the upbringing of the child it will be exceptional that one of them will have sole responsibility. There are sound reasons for this rule which relate to preventing children being removed across borders from parents due to the effect this may have on their relationships.
10. We recognise that the judgement of Judge Chohan is brief and would have benefited from further explanation. However, we consider that he has made a finding that the father is sufficiently involved in their lives that he registered their births at the registry. The appellants tried to counter that argument and that counter was rejected by Judge Chohan.

11. We have concluded that Judge Chohan correctly applied *TD Yemen* and he was entitled to find in all the circumstances of the case that the sponsor did not have sole responsibility.

Notice of Decision

12. The Decision of Judge Chohan dated 25 April 2024 does not contain an error of law and stands.

J Bartlett

Deputy Judge of the Upper Tribunal
Immigration and Asylum Chamber