



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

**Appeal Numbers:** HU/10958/2018  
HU/10960/2018, HU/10963/2018  
HU/10965/2018, HU/10969/2018  
HU/10971/2018, HU/10978/2018

**THE IMMIGRATION ACTS**

**Heard at Manchester Civil Justice Centre**

**Decision & Reasons**

**Given extempore on 7<sup>th</sup> August 2019**

**Promulgated  
On 21<sup>st</sup> August 2019**

**Before**

**Upper Tribunal Judge Chalkley**

**Between**

**FMOA  
JKHH  
CKHHH  
SKHH  
LKHH  
HKHH  
HKHH**

**(ANONYMITY DIRECTION MADE)**

Appellants

**and**

**ENTRY CLEARANCE OFFICER - AMMAN**

Respondent

**Representation:**

*For the Appellants: Mr Holmes of Counsel instructed by Ashwood Solicitors*

*For the Respondent: Ms Petersen, Senior Home Office Presenting Officer*

**DECISION AND REASONS**

1. The sponsors in this appeal are SKH, NKHA and SKH. They are all related in some form to the appellants. The appellants are the mother, stepmother, siblings or half siblings of the sponsors. They currently reside in a refugee camp on the border of Iraq and the KRI.
2. The Sponsors, together with H, have been granted refugee status in the United Kingdom. They send money to the appellants in Iraq and continue to maintain contact with them.
3. The appellants applied for family reunion in the UK under the Immigration Rules on 20<sup>th</sup> November 2017, but that application was refused on 7<sup>th</sup> February 2018. The respondent was not satisfied that the appellants were the spouse of minor children or their sponsors and concluded that they could not meet the requirements of paragraph 252D of the Immigration Rules qualifying for family reunion. The respondent found that the procedure would not violate the rights of the appellants or their sponsors under Article 8 European Convention on Human Rights and Fundamental Freedoms.
4. Before me today Mr Holmes clarified several issues for me. It appears from statements made by the sponsors that the appellants and the sponsors together with H a minor who has already been granted asylum with the sponsor, all lived together as one family unit from 2013, when the first and second named appellant's husband and the third or fifth, sixth and seventh appellants' father left the family home. He has not been seen or heard of since. In fact, Mr Holmes confirmed, they had all been living as one family unit throughout their lives.
5. Ms Petersen, with her customary fairness, interrupted and told me that she accepted, that given the strength of the family life enjoyed between the parties, That Article 8 was engaged. She agreed with me that even the adult siblings had never left the family home and had lived with their mother and step mother all their lives. The minor in the United Kingdom had known his step mother and step sibling all his life and had always lived with them.
6. Ms Petersen pointed out that these facts were not previously clear. She accepted that any errors of law in the determination could not be said to be material and invited me to allow the appeal outright. I am very happy to do so. I uphold the decision of the First Tier Tribunal Judge. **This appeal is allowed.**

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

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Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

***Richard Chalkley***  
**Upper Tribunal Judge Chalkley**  
16 August 2019

**TO THE RESPONDENT**  
**FEE AWARD**

As I have allowed the appeal and because a fee has been paid or is payable, I have considered making a fee award and have decided to make a fee award of any fee which has been paid or may be payable (adjusted where full award not justified) for the following reason. There is family life between the parties.

***Richard Chalkley***  
**Upper Tribunal Judge Chalkley**  
16 August 2019