



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

Appeal Numbers: HU/21402/2018
HU/21404/2018
HU/21405/2018

THE IMMIGRATION ACTS

**Heard at Manchester Civil Justice
Centre
Given ex tempore on 6th August
2019**

Decision & Reasons Promulgated

On 16th August 2019

Before

Upper Tribunal Judge Chalkley

Between

**OTONYE [A] (FIRST APPELLANT)
BENJAMIN [A] (SECOND APPELLANT)
[S A] (THIRD APPELLANT)
(ANONYMITY DIRECTION NOT MADE)**

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

*For the Appellants: Mr Halson B Semeed-Janneh of Counsel instructed by
Deane & Bolton Solicitors*

For the Respondent: Mr McVeety, a Senior Home Office Presenting Officer

DECISION AND REASONS

1. The first appellant entered the United Kingdom with leave as a Tier 4 Student Migrant on 1st January 2010 until 31st October 2010. She

subsequently re-entered the United Kingdom in the same capacity on 19th January 2011. The second appellant also entered the United Kingdom with her on that occasion as her dependant. They both had leave until 3rd June 2012.

2. On 29th June 2012 the first and second appellants applied for leave to remain as a Tier 4 Student Migrant and dependant, but those applications were refused without a right of appeal and on 6th September 2012 both appellants were issued with removal papers. Nothing seems to have been done about removing either of them.
3. On 11th January 2016, the first appellant applied on behalf of herself, the second appellant and the third appellant for asylum, but this application was refused on 28th January 2016. She appealed that decision and the First-tier Tribunal heard her appeal on 2nd March 2017 and in a decision promulgated on 9th March that year her appeal was dismissed and her claims under Articles 2, 3 and 8 were also dismissed.
4. On 2nd August 2017, the first appellant submitted an application for leave to remain on the grounds of her family and private life and the second appellant applied as her dependant. Their applications were rejected on 27th November 2017. On 5th April 2018 the appellants applied for leave to remain on the grounds of family and private life again and that application was refused by the respondent on 2nd October 2018 and on 19th October 2018, the appellants' appeal was the First-tier Tribunal.
5. I should say that no anonymity direction has been made and none has been sought from me.
6. The First-tier Tribunal Judge dismissed the appellants' appeal.
7. Today, Mr McVeety invited me to allow the appeals. Not surprisingly, Counsel agreed the application. I am happy to **allow the appeals**.

Richard Chalkley

**Upper Tribunal Judge Chalkley
14th August 2019**