



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

Appeal Number: HU/21406/2018
HU/21407/2018

THE IMMIGRATION ACTS

**Heard at Bradford
On 30 August 2019**

**Decision & Reasons Promulgated
On 5 September 2019**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**SAMPHELMO [S]
[A H]
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

ENTRY CLEARANCE OFFICER - SHEFO

Respondent

Representation:

For the Appellant: Mr Greer

For the Respondent: Mr Diwnycz, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellants are citizens of Bhutan. They appealed against a decision of the Entry Clearance Officer dated 13 September 2018 refusing them entry clearance to United Kingdom as the wife and daughter of Mr Sisr [H], the sponsor. The First-tier Tribunal, in a decision promulgated on 6 June 2019, dismissed the appeal. The appellants now appeal, with permission, to the Upper Tribunal.

2. Mr Diwnycz, who appeared for the Entry Clearance Officer before the Upper Tribunal, told me that respondent accepted that the judge had before him in the papers provided by the appellant a copy of relevant English language test results. Moreover, it was clear from the papers that the sponsor is a refugee who is unable to enjoy family life with the appellants in Bhutan. Mr Diwnycz said that the First-tier Tribunal, had it considered the relevant evidence, should have allowed the appeal.
3. I agree. I am aware that this was a paper case but it is apparent that the judge has overlooked evidence which should have led him to allow the appeal.

Notice of Decision

The decision of the First-tier Tribunal is set aside. I have remade the decision. The appeal of the appellants against the decision of the Entry Clearance Officer dated 13 September 2018 is allowed on human rights grounds (Article 8 ECHR).

Signed

Date: 1 September 2019

Upper Tribunal Judge Lane