



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

Appeal Number: OA/04120/2014  
OA/04121/2014  
& OA/04122/2014

**THE IMMIGRATION ACTS**

**Heard at City Centre Tower  
On 12 November 2015**

**Decision & Reasons Promulgated  
On 18 December 2015**

**Before**

**UPPER TRIBUNAL JUDGE PERKINS**

**Between**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**and**

**AYSUN KAHRAMAN  
EBRU KAHRAMAN  
ERKAN KAHRAMAN**

(ANONYMITY DIRECTION NOT MADE)

Respondents

**Representation:**

For the Appellant: Mr D Mills, Senior Home Office Presenting Officer

For the Respondent: Miss L Kullar, Solicitor from SH & Co, Solicitors

**DECISION AND REASONS**

1. I see no need for, and do not make, any order restricting reporting about this case.
2. This is an appeal brought by the Secretary of State against a decision of the First-tier Tribunal allowing the appeal of the respondents, hereinafter “the claimants” against a decision of the Secretary of State acting for the

Entry Clearance Officer to refuse them entry clearance to the United Kingdom.

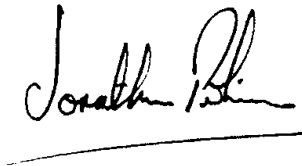
3. The relevant decision was made on 18 February 2014. It was a reconsideration of an earlier decision as a result of a successful appeal to the Upper Tribunal and an order of Deputy Upper Tribunal Judge Plimmer (as she then was). The reason for allowing the “first appeal” is that the Secretary of State had not followed a published policy. Whilst it may well that Deputy Judge Plimmer did not consider the details of that policy (that was not her job), it might have been thought that she would not have found a material error in the decision if the policy did not seem to be helpful to the claimants.
4. Be that as it may, the Secretary of State said in her grounds that the Entry Clearance Officer did not have to apply the policy in a way that was helpful to the claimants and refused the applications.
5. The claimants appealed to the to the First-tier Tribunal. It was persuaded that a policy did apply and that the plain meaning of the policy was that the appeals ought to be allowed.
6. I see no need to explain in any detail the terms of the policy for reasons that I explained below. The essential point is that it was to do with the special status given to citizens of Turkey because they are in an analogous position to EEA nationals. Mr Mills was concerned about the way the grounds were drawn although they are drawn by a very experienced Senior Presenting Officer. It emerged that they were drawn in accordance with instructions but Mr Mills’s own research had satisfied him that at the material time, and probably now, there was a published policy on the Secretary of State’s website which is the public policy that the Tribunal said ought to have been followed and ought to have led to the appeals being allowed.
7. It may very well be that the published policy did not encapsulate the Secretary of State’s intention. Nevertheless she said what she said and it is not an error of law on the part of the First-tier Tribunal to say that the Secretary of State’s policy should have been applied and that the appeals should have been allowed. It may very well be the case that any other disposal would have been wrong. Mr Mills was not able to advance the arguments relied upon in the grounds.
8. I am, and the claimants should be, grateful to him for his professionalism in making the position clear so that it was not necessary to call upon Miss Kullar.
9. In the circumstances I dismiss the Secretary of State’s appeal against the First-tier Tribunal’s decision.

## **Decision**

10. The decision of the First-tier Tribunal Judge in each case shall stand.

I direct that in each case entry clearance in accordance with the applications is given promptly.

Signed  
Jonathan Perkins  
Judge of the Upper Tribunal

A handwritten signature in black ink, appearing to read 'Jonathan Perkins', written over a horizontal line.

Dated 17 December 2015