



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

Appeal Numbers: DA/01248/2014  
DA/01249/2014  
DA/01250/2014  
DA/01251/2014

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 19 July 2016**

**Decision &  
Promulgated  
On 28 July 2016**

**Reasons**

**Before**

**MR C M G OCKELTON, VICE PRESIDENT  
UPPER TRIBUNAL JUDGE DAWSON**

**Between**

**[O O]  
[D O]  
[B O]  
[A O]**

Appellants

**and**

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

Respondent

**Representation:**

For the Appellants: Mr C Avery, Senior Home Office Presenting Officer.  
For the Respondent: Ms O L Osagie appeared in person.

**DETERMINATION AND REASONS**

1. These appeals and the family's immigration history have a procedurally complex background; nevertheless the present position is relatively

simple. First-tier Tribunal Judge Cohen determined on 20 April 2016 an appeal by a mother and her children. The decisions against which the appeal was brought were a decision to deport the first appellant on conducive grounds, and decisions to deport other appellants as members of her family.

2. Judge Cohen determined first that the principal decision against which the appeals were brought was a decision which was made not in accordance with the law. He also decided, on the basis of the grounds produced before him, that the appellants were entitled under article 8 as embodied in s. 117B of the 2002 Act (as amended) to remain in the United Kingdom; he therefore allowed the appeal on both grounds. The Secretary of State for the Home Department sought permission to appeal solely on the ground that having determined that decision against which the appeal was brought was not in accordance with the law, the judge ought not to have considered the article 8 grounds.
3. Permission was granted and so the matter comes before us. Before us today, Mr Avery has accepted that the ground put by the Secretary of State for the Home Department, although possibly correct in essence, was bad in practice, because the decision against which the appeal was brought was not erroneous in law for the reason identified by the judge. He therefore does not pursue the appeal on that ground. There is, however, no other ground as Mr Avery frankly accepts: the Secretary of State for the Home Department did not challenge the article 8 decision in the present case.
4. In those circumstances we have no difficulty in reaching our decision, which is to dismiss the Secretary of State's appeal, and it follows that the decision of Judge Cohen stands.

C. M. G. OCKELTON  
VICE PRESIDENT OF THE UPPER TRIBUNAL  
IMMIGRATION AND ASYLUM CHAMBER  
Date: 26 July 2016