



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

Case

Numbers: UI-2023-003404

UI-2023-003409

UI-2023-003406

UI-2023-003407

UI-2023-003410

First-tier Tribunal Numbers:

HU/56933/2022

HU/56927/2022

HU/56940/2022

HU/56938/2022

HU/56943/2022

THE IMMIGRATION ACTS

**Field House
On 20 October 2023**

Decision Promulgated

1st November 2023

Before

UPPER TRIBUNAL JUDGE KOPIECZEK

Between

**BISHU KUMARI SHAHI, ARADHANA KUMARI SHAHI, DAMBER SHAHI,
CHANDRA KUMARI SHAHI, DURGA KUMARI SHAHI**

EA/14088/2016

(ANONYMITY ORDER NOT MADE)

Appellants

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Mr A. Slatter, Counsel instructed by Paul John & Co Solicitors

For the Respondent: Mr C. Walker, Senior Home Office Presenting Officer

DECISION PURSUANT TO RULE 40(3)(a) OF THE TRIBUNAL PROCEDURE (UPPER TRIBUNAL) RULES 2008

1. The appellants are all citizens of Nepal. They appealed to the First-tier Tribunal (“FtT”) against decisions of an entry clearance officer to refuse entry clearance as the widow of a former Ghurkha soldier discharged prior to 1 July 1997 (in the case of the first appellant), and as the adult dependent children of their mother, the widow of a former Ghurkha soldier, in the case of the remaining appellants. The FtT dismissed each appellants appeal.
2. Permission to appeal the decision of the FtT having been granted, the appeal came before me for hearing. At that hearing it was agreed between the parties that the FtT had erred in law in dismissing the appeal, for the reasons advanced in the grounds of appeal upon which permission to appeal was granted (and to which reference may be made for a full understanding of the errors of law).
3. In summary, the grounds contend that the FtT erred in law in failing adequately to address the argument in relation to historic injustice in the light of the authorities on the point, and to assess the appeal in the light of the finding that there was family life amongst the appellants and the finding that the appellants would have relocated to the UK with their husband/father many years ago but for the historic injustice.
4. It was further agreed between the parties that the errors of law are such as to require the decision of the FtT to be set aside and for the decision to be re-made, allowing the appeal of each appellant.

Appeal Numbers: ([UI-2023-003404](#)) ([UI-2023-003406](#)) ([UI-2023-003407](#)) ([UI-2023-003409](#)) ([UI-2023-003410](#))
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EA/14088/2016

5. In the circumstances, I set aside the decision of the FtT for error of law and re-make the decision by allowing the appeal of each appellant.
6. Pursuant to rule 40(3)(a) of the Tribunal Procedure (Upper Tribunal) Rules 2008, no reasons (or further reasons) are required, the decision being made with the consent of the parties.

A.M. Kopieczek
Upper Tribunal Judge Kopieczek

20/10/2023