



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-005563
UI-2023-005564
UI-2023-005565

FtT No: HU/56785/2022, LH/04281/2023
HU/56792/2022, LH/04282/2023
HU/56797/2022, LH/04283/2023

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On 16 July 2024

Before

DEPUTY UPPER TRIBUNAL JUDGE PARKES

Between

**RD
LD
TD**

(ANONYMITY DIRECTION MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr D Jones (Counsel, instructed by Oliver and Hasani Solicitors)

For the Respondent: Ms S McKenzie (Senior Home Office Presenting Officer)

Heard at Field House on 10th July 2024

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the Appellants are granted anonymity.

No-one shall publish or reveal any information, including the name or address of the appellants, likely to lead members of the public to identify the appellants. Failure to comply with this order could amount to a contempt of court.

DECISION AND REASONS

1. The Appellants, citizens of Albania, applied to leave to remain in the UK on the basis of their private life in November 2021, their applications were refused on the 15th of September 2022. Their appeals against the Respondent's decisions were heard by Judge Traynor on the 5th of October 2023 and dismissed for the reasons given in the decision of the 25th of October 2023.
2. The Appellants obtained permission to appeal to the Upper Tribunal from Upper Tribunal Judge Jackson for the reasons given in the decision of the 7th of February 2024. There then followed an error of law hearing before Deputy Upper Tribunal Judge Froom on the 5th of April 2024, for the reasons given he set the First-tier Tribunal decision aside and directed that the appeal was to heard in the Upper Tribunal with no findings preserved.
3. Without informing the Presenting Officers Unit a different branch of the Home Office granted the Third Appellant Indefinite Leave to Remain on the 15th of April 2024. Ms McKenzie only became aware of that on the morning of the hearing. Having taken instructions I was invited to allow the appeal of the First and Second Appellants on the basis that Home Office guidance is that the parents should be granted leave to remain in line with the leave granted to their child.
4. So far as the Third Appellant is concerned Section 104(4A) of the 2002 Act provides that an appeal under section 82(1) of that Act brought by a person in the UK shall be treated as abandoned if the Appellant is granted leave to enter or remain in the UK. By virtue of those provisions the appeal of the Third Appellant is abandoned.
5. Having regard to the leave granted to the child of the First and Second Appellants and the guidance of the Respondent the First and Second Appellants are entitled to leave to remain in line with their daughter.

Notice of Decision

6. These appeals are allowed.

Judge Parkes

Deputy Judge of the Upper Tribunal
Immigration and Asylum Chamber

Dated: 10th July 2024