



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

Appeal Numbers: HU/03183/2019  
HU/03180/2019  
HU/03178/2019  
HU/03190/2019

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 4 December 2019**

**Decision & Reasons Promulgated  
On 7 January 2020**

**Before**

**UPPER TRIBUNAL JUDGE ALLEN**

**Between**

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

Appellant

**and**

**JAYAN [G]**

**AJI [J]**

**[Ai J]**

**[Aa J]**

**(ANONYMITY DIRECTION NOT MADE)**

Respondents

**Representation:**

For the Appellant: Mr T Melvin, Senior Home Office Presenting Officer

For the Respondents: Mr P Richardson, instructed by Ideal Solicitors

**DECISION AND REASONS**

1. This appeal comes before the Upper Tribunal following an error of law hearing at which I concluded that there were errors of law in the decision of the First-tier Tribunal which allowed the appellants' appeal against the Secretary of State's decision of 4 February 2019.

2. At the hearing on 4 December Mr Richardson raised an issue concerning the applicability of the decision of the Court of Appeal in Khan [2018] EWCA Civ 1684.
3. The matter was adjourned to 12 February 2020 to enable the Secretary of State to consider her position in light of the submissions made by Mr Richardson with regard to Khan and in particular the consequence of the finding of the judge that a plausible explanation concerning the ETS certificate provided by the appellant had been provided.
4. I subsequently received a letter dated 10 December 2019 from Mr Melvin making it clear that it had been decided to invite the Tribunal to promulgate a short decision allowing the appellants' appeals in line with Khan.
5. I consider that this is the most helpful and speedy response and I am grateful to Mr Melvin and to those whom he consulted for addressing the matter so swiftly and helpfully.
6. There is no reason to suppose that the appellants would have any objection to this course of action, and accordingly, in line with the suggestion in the Home Office's letter of 10 December 2019, these appeals are all allowed in line with the decision in Khan. As a consequence, the Article 8 appeals of all the parties are successful.

### **Notice of Decision**

These appeals are allowed under Article 8 of the European Convention on Human Rights.

No anonymity direction is made.



Signed

Date 13 December 2019

Upper Tribunal Judge Allen