



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

Appeal Numbers: HU/18772/2019
HU/19390/2019
HU/19392/2019

THE IMMIGRATION ACTS

**Heard at Field House
On 24 November 2021**

**Decision & Reasons
Promulgated
On 21 January 2022**

Before

UPPER TRIBUNAL JUDGE McWILLIAM

Between

**MANRAJ RUNGOO (FIRST APPELLANT)
PORNIMAH RUNGOO (SECOND APPELLANT)
KESHAV RUNGOO (THIRD APPELLANT)
(ANONYMITY DIRECTION NOT MADE)**

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Ms M C Benitez, Counsel instructed by Starck Uberoi LLP
For the Respondent: Mr S Walker, Home Office Presenting Officer

DECISION AND REASONS

1. The Appellants are citizens of Mauritius. The first and second Appellant are husband and wife. Their respective dates of birth are 15 August 1958 and 2 August 1965. The third Appellant is their son. His date of birth is 11 July 1991.

2. The Appellants came to the UK on 23 October 2004 having been granted visit visas. They were subsequently granted periods of leave up until 8 October 2012.
3. On 25 November 2011 the second Appellant was convicted of using a false passport and sentenced to eighteen months' imprisonment. She and her family were served a deportation order on 11 May 2013. They appealed against the decision on Article 8 grounds. Their appeal was dismissed by the First-tier Tribunal on 23 January 2015. The Appellants made a human rights claim on 3 December 2018 which was refused on 4 November 2019. The Appellants appealed against this decision. Their appeals were allowed by Judge of the First-tier Tribunal B Lloyd following a hearing on 13 January 2020. Permission was granted to the Secretary of State to appeal against the decision of the First-tier Tribunal by Upper Tribunal Judge Mandalia on 20 July 2020. I decided that that Judge Lloyd had made a material error of law, in a decision dated 15 March 2021, following a hearing at Field House on 4 March 2021.
4. The hearing was adjourned until 24 November when it was anticipated that there would be a resumed hearing. Shortly before the hearing Mr Walker submitted a letter from the Secretary of State of 15 September 2021 to the second Appellant in response to representations that she had made on 7 January 2019 relating to the revocation of the deportation order.
5. Mr Walker said that the letter was not served on the Appellant or her representative and therefore accepted that Ms Benitez had not seen the letter before the hearing.
6. Mr Walker made a concession at the hearing before me. He asked me to allow the appeals of all three Appellants on Article 8 grounds. He said that this was the inevitable result of what is stated at the penultimate and the final paragraphs of the Secretary of State's letter of 15 September 2021 and that the appeal should be allowed because the Secretary of State has indicated in that letter that she would not dispute the findings of the First-tier Tribunal (set out at a-f of the letter Secretary of State's letter).
7. While my interpretation of that letter and the consequences of it may not be the same as Mr Walker's, I explained to the parties that it was not open to me to go behind the Secretary of State's concession unless there was no lawful basis for it. I am satisfied that the appeals can lawfully be allowed under Article 8. In the circumstances, I communicated my decision to the parties at the hearing, namely that the Appellants' appeals are allowed on Article 8 grounds.
8. No anonymity direction is made.

Signed Joanna McWilliam

Date: 2 December 2021

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