



**In the Upper Tribunal
(Immigration and Asylum Chamber)
Judicial Review**

JR-2024-LON-000082

In the matter of an application for Judicial Review



The King on the application of

**R M and others
[ANONYMITY ORDER MADE]**

Applicants

versus

The Secretary of State for the Home
Department

JR-2024-LON-000082

Respondent

NOTIFICATION of the Judges' decision

BEFORE Upper Tribunal Judges Gleeson and Jackson

On the application for judicial review of the respondent's decisions of 22 December 2023 and 2 February 2024 refusing the applicants' requests for predetermination of their entry clearance applications made on 14 November 2023

UPON HEARING Ms Charlotte Kilroy KC and Ms Michelle Knorr, Counsel instructed by the Migrant Law Project for the applicants, and Mr Alan Payne KC and Ms Sian Reeves, Counsel instructed by the Government Legal Department for the respondent, at a hearing held at Field House on 29 February 2024

AND UPON the applicants agreeing, if a decision is made to grant them entry clearance in principle, to take their passports to the Cairo Visa Application Centre (Cairo VAC) whose address is El-Sheikh Zayed Visa Application Centre, Building B9, 4th Floor, Capital Business Park, Western Periphery of El-Sheikh Zayed City, 6th of October, Egypt,

AND UPON the applicants further agreeing, if a decision is made to grant entry clearance in principle, to provide their biometric data at the Cairo VAC

AND UPON the respondent UNDERTAKING not to reject the applicants' requests for predetermination of their entry clearance applications on the ground that the wrong form has been used for an application for entry clearance outside the Immigration Rules HC 395 (as amended)

IT IS HEREBY ORDERED THAT

- (1) The applicants' claim for judicial review is allowed on ground 2, with reasons to follow;
- (2) The Tribunal's decision in relation to the remainder of the grounds, not determined at paragraph (1) above, is reserved;
- (3) The respondent's decisions on 22 December 2023 and 2 February 2024, refusing the applications for predetermination made by the applicants on 14 November 2023, are

quashed as a disproportionate interference with their right to respect for private and family life pursuant to Article 8 ECHR;

- (4) **Not later than 4 p.m. on Thursday 14 March 2024**, the respondent shall decide whether to grant entry clearance in principle on each of the applicants' entry clearance applications;
- (5) If the respondent decides to grant entry clearance in principle, he shall notify the Foreign Commonwealth and Development Office on the same day as such decision is made; and
- (6) Any application for permission to appeal may be made at the hearing listed to hand down the reasons for this Order and to give judgment on the remainder of the applicants' claim.

Costs

- (7) Reserved

Signed: *Judith Gleeson*
 Upper Tribunal Judge Gleeson

Dated: 7 March 2024

The date on which this order was sent is given below

For completion by the Upper Tribunal Immigration and Asylum Chamber

Sent / Handed to the applicants, respondent and any interested party / the applicants', respondent's and any interested party's solicitors on (date): 08/03/2024

Solicitors:
Ref No.
Home Office Ref: GWF074124373