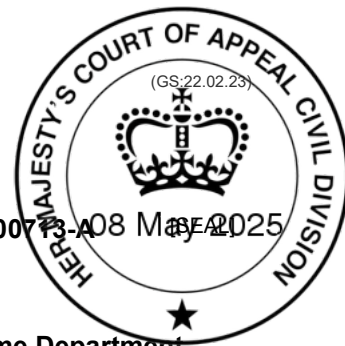




IN THE COURT OF APPEAL, CIVIL DIVISION APPLICATION FOR A SECOND APPEAL

REF: CA 2025 000713 & CA 2025 000713-A 08 May 2025



IA & Others –v– Secretary of State for the Home Department
CA-2025-000713

Decision on an application for a second appeal. The Judge will not give permission unless he or she considers that (a) the appeal would i) have a real prospect of success; and ii) raise an important point of principle or practice; or (b) there is some other compelling reason for the Court of Appeal to hear it.

ORDER made by the Rt. Hon. Lord Justice Dingemans

On consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal

Decision:

1. Permission to rely on witness statement dated 2 April 2025 of Stefan Kotas granted.
2. Extension of time to apply for permission to appeal granted.
3. Permission to appeal granted, on condition that the appellant shall pay the costs of the respondent, to be assessed if not agreed on the indemnity basis.
4. The names of the respondents shall appear as IA, RE, KA, SA, HA and AA and any material from which they may be identified should be omitted from any document (including skeleton arguments) which may become available to the public.
5. A non-party may not inspect or obtain a copy of any document from the Court file in accordance with CPR 5.4C unless any references to the respondents are anonymised in accordance with the terms of this order.
6. Any interested party, whether or not a party to the proceedings, may apply to the Court to set aside or vary this Order, provided that any such application is made on notice to the respondents.
7. Pursuant to the 'Practice Guidance: Publication of Privacy and Anonymity Orders' issued by the Master of the Rolls dated 16 April 2019, a copy of this Order shall be published on the Judicial Website of the High Court of Justice (www.judiciary.uk) in anonymised form. For that purpose, a court officer will send a copy of the order by email to the Judicial Office at judicialwebupdates@judiciary.uk.

Reasons

I have granted permission to rely on the witness statement of Stefan Kotas, this is because it is correcting an error in an earlier statement already provided to the court.

I have granted an extension of time. The delay in seeking permission to appeal was a serious and significant breach of the rules by the appellant, this is because such a breach delays the progress of the appeal. There was no good reason for the failure to comply with the rules, because a failure to appreciate the implications of the judgment is not a good reason for non-compliance with the time limits for seeking permission to appeal. However, having regard to all the circumstances of the case and in particular the compelling reasons to hear the appeal, it is appropriate to grant the extension of time for a period of just over six weeks.

The second appeals test applies to the whole of the appellant's appeal. This is because, although the appellant succeeded at first instance, the appellant lost on appeal, and this will be a second appeal.

I have granted leave to appeal, on all grounds, because there are compelling reasons to hear the appeal. This is to enable the court to consider whether: family life can extend beyond the core family so that there was a family life between the sponsor and the respondents; the approach taken by the European Court of Human Rights in *Kumari v The Netherlands* and *Alvarado v The Netherlands* dated 10 December 2024 should have been applied to these applications; the rights of the respondents in Gaza should have been taken into account; and, in any event, whether the decision by the First-tier Tribunal should be restored.

I granted permission to appeal even though the appellant has confirmed that Entry Clearance will be provided to the respondents thereby rendering the practical result of the appeal academic, and notwithstanding that the respondents object to the grant of permission. This is because of the points of general importance raised by the grounds, see *Hutcheson v Popdog* [2011] EWCA Civ 1580; [2012] 1 WLR 782, and because an offer to pay the respondents' costs has been made. I have directed that the respondents should have their costs to be assessed if not agreed on the indemnity basis. As it appears that the appeal will affect other cases, I have directed that the appeal should be listed in the Michaelmas term.

I have continued the anonymity orders that were made below. Anonymity was ordered below because the respondents were in Gaza. There is no updated information about their location. I have provided permission to apply to any party to vary or discharge the order on the giving of notice to the respondents.

Information for or directions to the parties

Mediation: Where permission has been granted or the application adjourned:

Does the case fall within the Court of Appeal Mediation Scheme (CAMS) automatic pilot categories (see below)? No.

Pilot categories:

- | | |
|--|--|
| <ul style="list-style-type: none">• All cases involving a litigant in person (other than immigration and family appeals)• Personal injury and clinical negligence cases;• All other professional negligence cases;• Small contract cases below £500,000 in judgment (or claim) value, but not where principal issue is non-contractual; | <ul style="list-style-type: none">• Boundary disputes;• Inheritance disputes.• EAT Appeals• Residential landlord and tenant appeals |
|--|--|

If yes, is there any reason not to refer to CAMS mediation under the pilot? N/A

If yes, please give reason:

Non-pilot cases: Do you wish to make a recommendation for mediation? No.

Where permission has been granted, or the application adjourned

- a) time estimate (excluding judgment) 1 day
- b) any expedition To be listed in the Michaelmas term.

Signed: BY THE COURT

Date: 6 May 2025

Notes

(1) Permission to appeal will only be granted in respect of second appeals if the court considers that:

- (a) the proposed appeal would have a real prospect of success and would raise some important point of principle or practice; or
- (b) there is some other compelling reason for the relevant appellate court to hear the appeal.

In respect of second appeals from the county court or High Court, see CPR 52.7.

In respect of appeals from the Upper Tribunal, see Article 2 of the Appeals from the Upper Tribunal Order 2008 (SI 2008/2834).

(2) Where permission to appeal has been refused on the papers, that decision is final and cannot be further reviewed or appealed. See rule 52.5 and section 54(4) of the Access to Justice Act 1999.

(3) Where permission to appeal has been granted you must serve the proposed bundle index on every respondent within 14 days of the date of the Listing Window Notification letter and seek to agree the bundle within 49 days of the date of the Listing Window Notification letter (see paragraph 21 of CPR PD 52C).

Case Number: Error! Reference source not found.