



Date: 22 October 2022

Resp.:

Presenting Officers Unit
4th Floor
Milburn House
PO BOX 6556
Coventry
CV4 7AL

App.:

Ms Kenisha Kwame
12 Whitefields
Warwickshire
CV56 7TH

Rep.:

No Representative
No Representative

Spon.:

No Sponsor

THE IMMIGRATION ACTS

Appeal No: EA/132565/768

HO Ref:

Appellant: Ms KENISHA KWAME

Port Ref:

Respondent: Secretary of State

FCNumber:

Reps Ref:

To the Appellant and Respondent

NOTICE OF HEARING

This appeal will be heard on **Wednesday, 22 February 2022**
at **10:00**
at **15-25 Bream's Buildings, London EC4A 1DZ.**

The judge will decide on the order in which appeals will be heard, so it may be that your case will not be heard until later in the day. Please make sure you make the necessary arrangements to attend the Hearing Centre for the rest of the day.

If either you or your Representative does not attend the hearing the Tribunal may determine the appeal in your absence unless there is a satisfactory explanation.

Clerk to the First-tier Tribunal



ALL CORRESPONDENCE SHOULD BE SENT TO THE ADDRESS AT THE TOP OF THIS NOTICE QUOTING
THE APPEAL NUMBER AND ANY HEARING DATE

This document is fictional and has been created for the purposes of this exhibition (You may become illegal).
It is modelled after the real documents that would be received by anyone who finds themselves in this situation.

KENISHA KWAME APPEAL STATEMENT LETTER

This statement is fictional and has been created for the purposes of this exhibition (You may become illegal). It is modelled after the story of a real individual who has requested to remain anonymous for legal reasons. If you ever have to write a cover letter for your appeal and can not afford a lawyer, call your local Citizen Advice Bureau. For more information, see the advice created in the handbook.

Ms Kenisha Kwame
12 Whitefields
Warwickshire
CV56 7TH

15-25
Bream's Buildings,
London
EC4A 1DZ.

Appeal No: EA/132565/768

To the First-Tier Judge,

My name is Kenisha Kwame, I am 23 years old, and my appeal number is EA132565768. I am writing to request an appeal against the Home Office decision to reject my EU Settlement Scheme application. My appeal is on the basis of my EU Family member 'derivative right to reside' as set out in the conditions of EU11 of Appendix EU to the immigration rules. I am arguing against the issue raised by the Home Office about my relationship with my step-mother, Mrs Kate Moulin as her dependent.

I arrived in the UK at the age of 7 as a child and have lived with my mother and step-father as a family member of an EU citizen. My step-mother is Italian, and my father is Ghanaian. I have been dependent on my step-father since arriving in the UK. Following the 2016 Brexit referendum, we applied for a family permit card which was granted to us for 5 years. I currently hold this family permit which is set to expire next year. Following the UK's exit from the EU in 2020, we applied for the settlement scheme. My application was denied by the Home Office on the basis that I was no longer a dependant on my step-mother whose relationship with my father had ended.

I have known no other home but the UK since 7, I have attended schools, built relationships, it has been difficult to get work because of the uncertainty of my status and I can no longer afford a lawyer. Based on the EU11 conditions of eligibility which states:

1. The Applicant is a family member of the EU a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen. This is my relationship with my Stepmother.
2. The applicant has a documented right of permanent residence. I have a valid EU family member permit.
3. No supervening event has occurred in respect of the applicant. I fear this is the main area for the rejection because my parents relationship has now ended.

I was a child when I arrived here from Ghana. I am no longer a child as I have now aged over 21 and I no longer have a stepmother to be dependent on. I only have myself as a 23-year-old. I don't believe I should lose my residency due to this. The only life I know is in the UK, I know no-one in Ghana and have no one to return there to.

I hope you decide in my favour.

Your Sincerely,
Kenisha Kwame



Home Office

Home Office NOTICE OF IMMIGRATION DECISION NOTICE OF REMOVAL

Home Office Reference: EA/132565/768

To: Ms Kenisha Kwame

You are a person with no leave to enter or remain in the United Kingdom (UK). You have not given any reason as to why you should be granted leave to remain or why you should not require leave to remain. Therefore you are liable for removal.

REASONS FOR DECISION

The following reasons are given:

You are specifically considered a person who has been able to show their dependency on your EU family member, as a result you have failed to meet the criteria under EU11. You were unable to provide adequate evidence to demonstrate that you are dependant upon your relevant EEA citizen as set out in Appendix EU (Family Permit) of the Immigration Rules. Dependency is defined within the Rules as:

“‘dependent’ means here that:

(a) having regard to their financial and social conditions, or health, the applicant cannot, or (as the case may be) for the relevant period could not, meet their essential living needs (in whole or in part) without the financial or other material support of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor) or of their spouse or civil partner; and

(b) such support is, or (as the case may be) was, being provided to the applicant by the relevant EEA citizen (or, as the case may be, by the qualifying British citizen or by the relevant sponsor) or by their spouse or civil partner; and

(c) there is no need to determine the reasons for that dependence or for the recourse to that support”

LIABILITY FOR REMOVAL

Persons who require, but no longer have leave to enter or remain are liable to removal from the United Kingdom under section 10 of the Immigration and Asylum Act of 1999 (as amended by the Immigration Act of 2014).

If you do not leave the United Kingdom as required you will be liable to enforced removal to Ghana. We may remove you via transit point.

You may be detained or placed on reporting conditions.

If you wish to seek legal advice you must do so now.

<i>Tick one box</i>	
<input checked="" type="checkbox"/>	You will not be removed for the first seven calendar days after you receive this notice. Following the end of this seven day period, and for up to three months from the date of this notice, you may be removed without further notice.
<input type="checkbox"/>	You will not be removed before (insert date and time) . After this time, and for up to three months from the date of this notice, you may be removed without further notice.
<input type="checkbox"/>	You will be given further notice of when you will be removed.