

# HA (Iraq) (Respondent) v Secretary of State for the Home Department (Appellant)

Case ID: 2020/0174

## Case summary

### Issue

In what circumstances is it “unduly harsh” to deport a foreign criminal in light of that person’s family life in the United Kingdom, and when are there “very compelling circumstances” against deportation?

### Facts

HA and RA are non-British nationals from Iraq. Both of them are in settled relationships with British women and they both have a child or children who are British nationals. They both committed criminal offences for which they were sentenced, HA to 16 months’ imprisonment and RA to 12 months’ imprisonment.

The Secretary of State decided to deport HA and RA but they each successfully appealed to the First-tier Tribunal. Following the Secretary of State’s successful appeal to the Upper Tribunal, the Upper Tribunal remade the deportation decision in each of their cases. The Upper Tribunal decided that the effect of HA’s or RA’s deportation on their partner and children would not be “unduly harsh” under section 117C(5) of the Nationality, Immigration and Asylum Act 2002 and that there were no “very compelling circumstances” which would make deportation a disproportionate interference with HA’s or RA’s Article 8 ECHR rights (or the Article 8 rights of their partners or children) under section 117C(6). HA and RA appealed to the Court of Appeal and the Court of Appeal allowed their appeals. The Secretary of State now appeals to the Supreme Court.

### Judgment appealed

[\[2020\] EWCA 1176](#)

## Parties

### Appellant(s)

Secretary of State for the Home Department

### Respondent(s)

HA

## Appeal

### Justices

Lord Reed, Lord Hamblen, Lord Leggatt, Lord Stephens, Lord Lloyd-Jones

### Hearing start date

17 May 2022

**Hearing finish date**

18 May 2022

**Watch hearing**

17 May 2022 [Morning session](#) [Afternoon session](#)

18 May 2022 [Morning session](#) [Afternoon session](#)