



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2022-005727
First-tier Tribunal No:
EA/02421/2022

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 09 November 2023

Before

UPPER TRIBUNAL JUDGE HANSON

Between

MARIA LUIZA BELMUSTATA
(NO ANONYMITY ORDER MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Heard at Manchester Civil Justice Centre on 8 November 2023

DECISION AND REASONS

1. In a decision promulgated on 19 September 2023 the Upper Tribunal found an error of law in the decision of the First-tier Tribunal, set that decision aside, preserved the findings the above appellant had not established dependency on her mother, and listed the matter for a Resumed hearing to enable the Upper Tribunal to substitute a decision to either allow or dismiss the appeal.
2. An additional bundle filed by the appellant in accordance with directions showed that the appellant's husband, Andreas Pappas, was granted pre-settled status on 30 December 2022.
3. Mr Bates, who appeared on behalf of the Secretary of State, advised the Tribunal that it must have been accepted that Mr Pappas had been in the United Kingdom for the required period of time to entitle him to a grant of pre-settled status, which must have equal application to the appellant.
4. Mr Bates also accepted there was evidence the appellant had been in the United Kingdom on 13 June 2020, that she left in October 2020 after four months to travel to Greece to have a baby, (born on 17 December 2020), and returned to the UK on 21 August 2021 within the period permitted by an EU national to be absent from the UK without having any impact upon any rights arising.
5. It is not disputed the appellant is a Romanian national and therefore an EU citizen in her own right.

6. Taking all these issues together, Mr Bates conceded that the appellant was entitled to the relief sought by way of their family permit and on that basis I allow the appeal.

Notice of Decision

7. Appeal allowed.

C J Hanson

Judge of the Upper Tribunal
Immigration and Asylum Chamber

8 November 2023