



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2022-006490
First-tier Tribunal No:
EA/09522/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 18 August 2023

Before

UPPER TRIBUNAL JUDGE NORTON-TAYLOR

Between

ISRAR AHMED
(NO ANONYMITY ORDER MADE)

Appellant

and

ENTRY CLEARANCE OFFICER

Respondent

This decision has been made without the hearing, pursuant to rule 34
of the Tribunal Procedure (Upper Tribunal) Rules 2008

DECISION AND REASONS

Background and decision

1. The appellant is, and was before the First-tier Tribunal, unrepresented. He is a citizen of Pakistan who had applied for an EEA Family Permit to join his sponsor in the United Kingdom, pursuant to the Immigration (European Economic Area) Regulations 2016. First-tier Tribunal Judge Chowdhury dismissed his appeal by a decision promulgated on 27 September 2022. The judge did not accept that the appellant was related

to the sponsor, as claimed. In addition, the judge did not accept that there was any dependency.

2. The appellant put in a notice of appeal and grounds of appeal. Permission to appeal was granted by the First-tier Tribunal on 14 March 2023.
3. Following the grant of permission, the respondent provided a rule 24 response. That is a document which sets out the respondent's position on the case.
4. The rule 24 response accepts that Judge Chowdhury made legal mistakes which affected the outcome of the appellant's appeal. The respondent stated that the appellant's case should go back to the First-tier Tribunal to be looked at again by a different judge.
5. I have considered all the circumstances of this case, including the fact that the appellant is not legally represented and has already had to wait a long time for his case to be concluded.
6. I have decided that I can deal with this case without hearing (which would take even longer to arrange). I agree with the respondent's rule 24 response. The judge did make legal mistakes, as set out in the grounds of appeal and the grant of permission, and as accepted in the rule 24 response. In summary, the judge failed to engage with, or make findings on, evidence on the issues of the relationship and dependency.
7. The judge's legal mistakes clearly made a difference to the outcome of the appeal.
8. The judge's decision must be set aside. In other words, it no longer has effect.
9. The appellant's case will go back to the First-tier Tribunal to be looked at again and by a different judge. The sponsor will have the opportunity of attending a hearing and new evidence can be sent in. The appellant (and/or his sponsor) must read any further information sent by the First-tier Tribunal very carefully.

Anonymity

10. The First-tier Tribunal did not make an anonymity direction and there is no basis on which I should do so.

Notice of Decision

The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.

I exercise my discretion under section 12(2)(a) of the Tribunals, Courts and Enforcement Act 2007 and set aside the decision of the First-tier Tribunal.

I remit the case to the First-tier Tribunal.

Directions to the First-tier Tribunal

- (1) This appeal is remitted to the First-tier Tribunal (Manchester hearing centre) to be heard afresh by a judge other than First-tier Tribunal Judge Chowdhury;
- (2) The First-tier Tribunal will issue relevant case management directions in due course

H Norton-Taylor
Judge of the Upper Tribunal
Immigration and Asylum Chamber
Dated: 28 July 2023