



THE IMMIGRATION ACTS

**Decision & Reasons Issued:
On 10 January 2024**

Before

DEPUTY UPPER TRIBUNAL JUDGE PARKES

Between

MHD FAROUK AL SAYYAD
NUHA NAHLAWI

Appellants

and

ENTRY CLEARANCE OFFICER

Respondent

Representation:

For the Appellant: Ms A Sepulveda (Solicitor, Fountains Solicitors)

For the Respondent: Mrs R Arif (Senior Home Office Presenting Officer)

Heard at Birmingham on 21st December 2023.

DECISION AND REASONS

1. The Appellants applied for entry to the UK under the Adult Dependent Relative provisions of the Immigration Rules. The applications were made on the 30th of March 2022, they were refused for the reasons given in the Refusal Notices of the 6th of December 2022. The Appellants appealed to the First-tier Tribunal.
2. The Appellants' appeals were heard by Judge Groom at Nottingham on the 19th of September 2023 and dismissed for the reasons given in her decision promulgated on the 21st of September 2023.
3. The Appellants' sought permission to appeal from the First-tier Tribunal, permission was granted by Judge Monaghan on the 8th of November 2023. The application was on the basis that Judge Groom had not addressed the provisions of paragraph ADR7.1 and had not properly addressed article 8 of the ECHR. Permission was granted on all grounds.
4. At the hearing it was conceded by the Respondent that the Judge had erred and had not addressed paragraph ADR7.1 and that the error amounted to an error of law. In the

circumstances it was agreed between the parties that the appeal should be remitted to the First-tier Tribunal for a re-hearing with no findings preserved other than that the relationship between the Appellants and the Sponsor is now accepted.

Notice of Decision

5. The decision of Judge Groom contained an error of law and is set aside. The appeals are remitted to the First-tier Tribunal for re-hearing not before Judge Groom.

Judge Parkes

Judge of the Upper Tribunal
Immigration and Asylum Chamber

2nd January 2024