



**IN THE UPPER TRIBUNAL  
IMMIGRATION AND  
CHAMBER**

**ASYLUM**

**Case Nos: UI-2021-000892  
UI-2021-000897  
UI-2021-000899  
UI-2021-000901**

**First-tier Tribunal Nos EA/02870/2021  
EA/02874/2021  
EA/02878/2021  
EA/02876/2021**

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:  
On the 22 March 2023**

**Before**

**UPPER TRIBUNAL JUDGE MACLEMAN**

**Between**

**N + 3 (anonymity order made)**

Appellants

and

**ENTRY CLEARANCE OFFICER**

Respondent

**Decided without a hearing on 13 February 2023**

**DECISION AND REASONS**

1. The appellants, citizens of Pakistan, sought entry clearance as extended family members of a Norwegian national residing in the UK. FtT Judge S J Clarke dismissed their appeals against refusal by a decision promulgated on 10 September 2021.
2. FtT Judge Grimes granted permission on 10 November 2021:

Having accepted that the sponsor has sent remittances to the appellants since April 2019 [6], the judge recognised that the proper test is whether the appellants are dependent on the sponsor to meet their essential needs [7]. However, in focussing on the rental income, the sponsor's work and his ability to support the appellants in the long term if they came to the UK, it is

arguable that the judge failed to make adequate findings as to the appellants' circumstances in Pakistan and as to whether they are dependent on the sponsor for their essential needs.

3. The ECO responded to the grant of permission on 14 December 2021:

The respondent ... accepts that the FTTJ materially erred for the reasons outlined both in the grounds lodged in the application for permission to appeal, and those identified in the grant of permission to appeal.

Despite alluding to the relevant assessment of whether the appellant had evidenced dependence on the sponsor to meet their essential needs, the FTTJ erred in focusing on the longer term ability of the sponsor to provide support and failed to assess whether any potential dependence established was essential. The ECO had outlined that there was an absence of evidence as to the circumstances of the appellants in Pakistan (thus relevant to issues identified in Lim as to essential needs), but the FTTJ failed to make any findings on the matter.

Given the incorrect focus by the FTTJ and the requirement for findings of fact to be made it is considered that the matter should be remitted to the First-tier Tribunal to be heard afresh.

4. There has been unfortunate administrative delay in listing the case in the UT for further decision.
5. It is appropriate to decide on error of law and further procedure without a hearing, under rule 34.
6. The FtT has erred in law, as conceded. Its decision stands only as a record of what was before the tribunal. The case is remitted for a fresh hearing, not before Judge Clarke.
7. Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellants are granted anonymity.
8. No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellants. Failure to comply with this order could amount to a contempt of court

Hugh Macleman  
Judge of the Upper Tribunal, Immigration and Asylum Chamber  
13 February 2023