



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

Case Nos:  
UI-2022-004545  
UI-2022-004543  
UI-2022-004546  
UI-2022-004549  
First-tier Tribunal Nos:  
EA/ 07964 /2021  
EA/ 08007 /2021  
EA/ 07821 /2021  
EA/ 04668 /2021

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:  
On 8 November 2023**

**Before**

**UPPER TRIBUNAL JUDGE KEITH  
DEPUTY UPPER TRIBUNAL JUDGE CHANA**

**Between**

**Shazia Sadat, Saira Azami, Mohammad  
Zakria Azami and Mohammad Yahya Azami**

**(NO ANONYMITY ORDER MADE)**

Appellants

**and**

**Secretary of State for the Home Department**

Respondent

**Representation:**

For the Appellant: Ms K Turner, Counsel, instructed via direct access.  
For the Respondent: Mr E Terrell, Senior Home Office Presenting Officer

**Heard at Field House on 31 October 2023**

**DECISION AND REASONS**

1. These written reasons reflect the oral decision which we gave to the parties at the end of the hearing.
2. At the core of this appeal against the decision on the papers of a Judge of the First-tier Tribunal, Judge McGrade promulgated on 10<sup>th</sup> March 2022, was whether the Appellants were related, as claimed, to an EEA sponsor, to be entitled for consideration for family permits under the Immigration (EEA) Regulations 2016 or the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit)

Regulations 2020, as extended family members (niece and great nieces and nephews) of the sponsor. As the Judge recorded in his decision, the Respondent had disputed the claimed relationships in the refusal decision, saying that she would have expected to see birth certificates (paragraph 6). The Judge added that before him were untranslated documents, and it was impossible for him to determine what these documents were. The Judge recorded that there were no translated birth certificates (paragraph 13) and he did not accept the claimed relationships (paragraph 15).

3. In appealing the Judge's decision, in the application to the First-tier Tribunal for permission (the IAF4), it was claimed that the translated birth certificates were sent to the Judge in time. After an initial refusal of permission, in the renewed application for permission, it was re-iterated in the IAUT-1 that the Appellants had provided their birth certificates, although the grounds do make clear whether these were translated or not. In granting permission, Upper Tribunal Judge Sheridan directed that the Appellants must, within 14 days before the hearing, disclose relevant evidence of their claims to have sent translated birth certificates before the Judge reached his decision.

### **Discussion and conclusions**

4. We do not repeat the full litigation history and the various sets of directions which this Tribunal has previously given. We repeat our thanks to Ms Turner for her care in ensuring her compliance with her professional obligations. In summary, the Appellants have since alleged that the applications, purportedly sent directly by them, were in fact sent by an unregulated legal advisor, who also drafted and signed a witness statement in the First Appellant's name, about which she knew nothing, and whom she and the other Appellants had entrusted with their applications. We make no findings in relation to these allegations, other than to say that the allegations are grave; the witness statements provided to us by a number of former representatives have done nothing to assuage our concerns about their conduct; and we have seen nothing in the evidence before us, as to which we reiterate that we make no finding, that causes us to doubt the honesty or integrity of the Appellants. We emphasise that Ms Turner has complied at all times with her professional duties and has attempted proactively to assist us. Our concerns about the professional conduct of this matter relate to the Appellants' former advisers.
5. Notwithstanding the sympathy we may have for the Appellants, Ms Turner confirmed her instructions were that the basis of the appeal to the Upper Tribunal, namely that translations of the birth certificates had been provided to the Judge or to the Tribunal before the Judge reached his decision, (as opposed to afterwards) was not true. In relation to DNA evidence, while it is said that the Appellants took DNA swab tests, they never received the results of those tests.
6. As a consequence, the Judge did not err on the basis of the arguable error relied on in the renewed grounds, which it now transpires was not correct. The Judge's decision was, on the basis of the evidence before him, one which was unarguably open to reach. His decision therefore stands.

### **Notice of Decision**

**The decision of the First-tier Tribunal Judge did not involve the marking of an error on a point of law. The Judge's decision stands.**

**J Keith**

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

1<sup>st</sup> November 2023