



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

Case No: UI-2022-002320  
UI-2022-002321  
UI-2022-002322  
UI-2022-002323  
UI-2022-002325  
UI-2022-002326  
UI-2022-002327

First-tier Tribunal No: EA/04777/2021  
EA/04783/2021  
  
EA/04780/2021  
  
EA/04787/2021  
  
EA/04789/2021  
  
EA/04790/2021  
  
EA/04784/2021

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**

31<sup>st</sup> January 2024

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

**Jawairia Shabbir and six others**

**(NO ANONYMITY ORDER MADE)**

**and**

**Secretary of State for the Home Department**

Appellant

Respondent

**Representation:**

For the Appellant: Mr Greer

For the Respondent: Mr Tan, Senior Presenting Officer

Heard at Manchester Civil Justice Centre on 11 October 2023

**DECISION AND REASONS**

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1. The appellants are all citizens of Pakistan. The first appellant, Jawairia Shabbir was born on 18 August 1990. The second appellant, Aqsa Batool has a date of birth 1 January 1998. The third appellant Maria Batool has a date of birth 1 December 1994. The fourth appellant Nadia Batool has the date of birth 25 December 1996. The fifth appellant, Shah Zain Mukhtar has a date of birth 28 September 2019. The sixth appellant Shah Hussain Mukhtar has a date of birth 3 September 2016. The seventh appellant, Mukhtar Hussain as the date of birth 14 January 1984.
2. The first, second, third and fourth appellants are siblings. The fifth and sixth appellants are the children of the first appellant. The seventh appellant is the husband of the first appellant. The first appellant appeals a decision of the Entry Clearance Officer dated 19 March 2021 refusing her an EEA Family Permit as the family member of an EEA national exercising Treaty rights in the United Kingdom. The other appellants were separately refused leave to enter also in March 2021.
3. In a decision promulgated on 24 February 2022, the First-tier Tribunal dismissed the appeals. the appellants now appeal ,with permission, to the Upper Tribunal.
4. At the initial hearing at Manchester on 11 October 2023, the representatives for both parties agreed that the First-tier Tribunal's decision should be set aside, the appeals allowed and the appeals returned to the First-tier Tribunal for determination for the reasons set out in the grounds of appeal and summarised in part in the grant of permission:

As pleaded in the Grounds of Appeal, it is at least arguable that the FTTJ has erred in failing to reconcile the finding that the Appellants' sponsor owns and pays for the house in which they live in Pakistan [26 & 27] with the finding that the Appellants are not dependent upon their sponsor to meet their essential living needs [28]. Whilst the FTTJ finds that the Appellants have income from other sources, the FTTJ appears to accept that their essential accommodation needs are met by the Sponsor and dependency is a matter of fact not choice.

5. The appeals are returned to the First-tier Tribunal for that Tribunal to remake the decision following a hearing *de novo*.

### **Notice of Decision**

The appeals are allowed and returned to the First-tier Tribunal for that Tribunal to remake the decision after a hearing *de novo*. None of the findings of fact of the First-tier Tribunal decision shall stand

**C. N. Lane**

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

**Dated: 22 December 2023**