



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

Case No: UI-2023-004357  
& UI-2023-004358

First-Tier Tribunal No:  
EA/00755/2023 & EA/00751/2023

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On 26<sup>th</sup> March 2024**

**Before**

**UPPER TRIBUNAL JUDGE MACLEMAN**

**Between**

**RAJA MUHAMMAD SHAHROZ JAVED &  
SHERAZ AHMED**

Appellants

**and**

**Entry Clearance Officer**

Respondent

*For the Appellants, no legal representative; sponsor attending remotely  
For the Respondent, Mr A Mullen, Senior Home Office Presenting Officer*

**Heard at Edinburgh on 21 March 2024**

**DECISION AND REASONS**

1. On 24 October 2022, the ECO refused the appellant's applications under the EU Settlement Scheme ("EUSS").
2. FtT Judge Groom dismissed the appellants' appeal by a decision promulgated on 16 May 2023.
3. On 22 June 2023 FtT Judge Seelhoff refused permission to appeal to the UT, although observing that if he had evidence that the appellants filed a bundle on 27 February 2023 he would have been minded to set aside the decision.

4. The appellants applied to the UT for permission. As it now appeared that there might be evidence of a bundle being sent as claimed, UT Judge L K Smith granted permission on 29 November 2023.
5. The appellants have provided a bundle to the UT, carefully prepared in compliance with directions. This includes the materials which appear to have been sent to the FtT, but which were not linked to the file when the case was decided (through no fault of Judge Groom).
6. Mr Mullen accepted that there had been a procedural mishap, and agreed that the outcome should be as follows.
7. The decision of the FtT is set aside. The case is remitted for fresh decision by another Judge.
8. Both parties have a responsibility to assist the FtT by placing all relevant materials before it.

Hugh Macleman

Judge of the Upper Tribunal  
Immigration and Asylum Chamber  
21 March 2024