



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2024-003414
HU/61332/2023
LH/02813/2024

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On 24 January 2025

Before

UPPER TRIBUNAL JUDGE BRUCE

Between

RA (Afghanistan)
(anonymity order made)

Appellant

and

Entry Clearance Officer

Respondent

DECISION

1. The Appellant is a national of Afghanistan, born in 1981.
2. On the 23rd August 2023 an ECO refused to grant him entry clearance in order to join his wife and children in the United Kingdom.
3. The Appellant appealed against that decision, and on 22 April 2024 the First-tier Tribunal (Judge Anthony) dismissed the appeal. In brief summary, Judge Anthony had found it not proven that the Appellant is the family member of his sponsors and the United Kingdom.
4. The Appellant sought, and was granted, permission to appeal to this Tribunal. The matter came before me on 1 October 2024. In my Decision and Directions of the same date I set the decision of Judge Anthony aside. I noted that the reason given for dismissing the appeal was not one adopted by the ECO. Nor was it consistent with the fact that the Home Office had latterly recognised the Appellant to be eligible for resettlement under Pathway 1 Stage 2 of the Afghanistan Citizens Resettlement Scheme (ACRS).
5. The matter was then adjourned in order for the Secretary of State to clarify the ECO's position. At a hearing before Judge Stephen Smith on 25 November 2024, the parties informed the Tribunal that the Appellant has now been admitted to

the United Kingdom pursuant to ACRS. Judge Smith directed the parties to commit their respective positions to writing.

6. I now have before me a consent order under rule 39(1). The parties agree to the Tribunal setting aside the decision of the First-tier Tribunal for error of law, and I am invited to remake the decision summarily dismissing the appeal. I do so simply on the grounds that as the Appellant is now in the United Kingdom his entry clearance appeal is academic.
7. This disposes of this matter in the Upper Tribunal.

Decisions

8. The decision of the First-tier Tribunal is set aside.
9. The decision in the appeal is remade as follows: the appeal is dismissed.
10. There is an order for anonymity in force at present.

Upper Tribunal Judge Bruce
Immigration and Asylum Chamber
22nd January 2025