



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

**Case No: UI-2021-  
001386**  
**UI-2021-001389**  
**First-tier Tribunal No:**  
**EA/00352/2021**  
**EA/00787/2021**

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:  
On the 30 April 2023**

**Before**

**UPPER TRIBUNAL JUDGE MANDALIA**

**Between**

**HARWINDER KAUR (1)**  
**SEHAJPREET SINGH (2)**  
**(NO ANONYMITY DIRECTION MADE)**

Appellants

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr A Hussain, instructed by Allied Law Chambers  
Solicitors

For the Respondent: Mr C Williams, Senior Home Office Presenting Officer

**Heard at Birmingham Civil Justice Centre on 3 November 2022**

**DECISION AND REASONS**

1. The appellants are nationals of India. The first appellant is the mother of the second appellant. On 9<sup>th</sup> November 2020, they applied for an EEA family permit as dependent extended family members of their sponsor, Mr Rajwant Singh, a Portuguese national. Mr Rajwant Singh is the brother of the first appellant. The appellants claim they are financially dependent on

Mr Rajwant Singh. The applications were refused by the respondent for reasons set out in decisions dated 12<sup>th</sup> December 2020.

2. The appellants appeal against the refusal of their applications was dismissed by First-tier Tribunal Judge Chohan for reasons set out in a decision promulgated on 26<sup>th</sup> November 2022. The appellants were granted permission to appeal to the Upper Tribunal by First-tier Tribunal Judge Moon on 11<sup>th</sup> January 2022. For reasons set out in my error of law decision promulgated on 28<sup>th</sup> September 2022, I found the decision of Judge Chohan is vitiated by material errors of law and set aside his decision. I directed that as the issue in this appeal is a narrow one, the appropriate course is for the decision to be remade in the Upper Tribunal, *de novo*, with no findings preserved. I also directed that the appellants' representatives were to file and serve any Rule 15(2A) application and any further evidence relied upon, within 14 days.
3. The matter was listed for hearing before me to remake the decision.

#### The respondent's decisions

4. The respondent refused the applications for reasons set out in two decisions dated 12<sup>th</sup> December 2020. The respondent noted the appellants had applied for an EEA family permit to join their EEA sponsor as the extended family members of an EEA national. The respondent noted the relationship between the appellants and Mr Rajwant Singh but concluded:
  - a. The appellants have failed to provide evidence that their sponsor is exercising Treaty Rights in the UK; and
  - b. On the evidence submitted in support of the application, the appellants have failed to establish, on the balance of probability, that they are dependent on their sponsor to meet their essential needs.

5. The entry clearance officer was therefore not satisfied that the appellants meet the requirements for an EEA family permit to be issued to them as set out Regulation 12 of the Immigration (European Economic Area) Regulations 2016 (“the 2016 EEA Regulations”). The appellants exercised their right of appeal.

### The issue

6. On behalf of the respondent, Mr Williams accepts there is evidence before the Tribunal that the sponsor is exercising Treaty Rights in the UK and as was the case previously before the First-tier Tribunal, the issue in this appeal is whether the appellants are dependent upon the EEA national or members of the EEA national’s household.

### The evidence

7. I have before me:
  - a) The appellant’s bundle that was before the First-tier Tribunal
  - b) The respondent’s bundle;
  - c) A witness statement from the first appellant dated 2<sup>nd</sup> September 2022
  - d) A witness statement from Mr Rajwant Singh dated 2<sup>nd</sup> September 2022
8. Mr Hussain confirmed the evidence relied upon is set out in the documents that I have identified above. I was also provided with a skeleton argument settled by Mr A Hussain, dated 2<sup>nd</sup> November 2022. Mr Rajwant Singh, the sponsor attended the hearing and was assisted throughout by an interpreter who interpreted the Punjabi and English languages. At the outset of the hearing I established that Mr Rajwant

Singh and the interpreter were able to communicate effectively without any difficulty.

9. Two witnesses who had previously provided evidence before the First-tier Tribunal, namely Mr Jagtar Singh and Mr Sukhjinder Singh also attended the hearing. At the outset, Mr Williams confirmed that he did not propose to cross-examine either of those witnesses and they were therefore not called upon to give oral evidence.
10. The first appellant signed a declaration dated 19<sup>th</sup> February 2021 in support of her appeal before the First-tier Tribunal (*page 94 of the bundle*). She claims her husband, Yadwinder Singh has been living in Germany and has not contacted her or their son since 2007. She claims that although he visited India on one occasion after 2007, he stayed with his brother and did not visit her or their son. She claims her brother, Rajwant, has been supporting her and her son for all their daily living expenses “for years”, and that he has been paying the second appellant’s school fees. She claims that after her parents-in-law passed away, she and her son “*were pushed out of our ancestral house by Sehajpreet’s uncle*” as he claimed that Yadwinder has never put any finances into the house. She claims her brother, Rajwant Singh built a house for her and her son, as they had no place to stay.
11. In her statement dated 2<sup>nd</sup> September 2022, the first appellant states she has no other income apart from the financial support she receives from the sponsor. She claims she cannot turn to her other brother Sukhwant Singh for support, because of his obligations towards his own family and “*the cultural constraints*” upon her as a married woman, albeit estranged from her husband for many years. The first appellant identifies in her statement the specific expenditure she incurs of 22,100 Indian Rupees (*approx £240*) to meet the appellants’ essential needs, although she does not identify whether that is weekly, monthly or annual expenditure. She confirms that she has continued to receive money by

way of support directly from the sponsor through money transfers and funds forwarded to her by third parties.

12. Mr Rajwant Singh has provided two letters. The first dated 12<sup>th</sup> November 2020 (*page 19 of the bundle*) and the second dated 4<sup>th</sup> January 2021 (*page 17 of the bundle*). He has also signed a witness statement dated 6<sup>th</sup> January 2021 (*page 14 of the bundle*). In his letter he confirms that he has solely been supporting the appellant's for "all their daily living expenses for years". He claims the first appellant's husband has been living in Germany and has not contacted the appellants "for years". He states he built a house for the appellants to provide them with a roof, as they had no other support or place to stay. He states he has a joint account with his two brothers and transfers funds from the UK. He also refers to agricultural land in India and states the income generated from that land is deposited into the same bank account and that he has been providing funds to the appellants from that account. In his witness statement Rajwant Singh confirms the dates that he has travelled to India between 2011 and 2019, and he claims that on each of those ten occasions, he gave sums of money to the appellants. He claims the sums of money were provided out of "necessity" as his sister's husband had deserted her. He states Yadwinder Singh returned to India in 2008 and 2015, but did not live with the appellants during those visits. He confirms that he built the house where the appellants currently reside and without his support they would have nowhere to live. He claims the agricultural land he owns is rented out to farmers who pay the rent to his sister directly, amounting to approximately £1500 per year. In his witness statement dated 2<sup>nd</sup> September 2022, Rajwant Singh confirms the details provided by the first appellant in terms of her needs are correct, as far as he is aware.
13. In his oral evidence before me Rajwant Singh adopted his witness statements and confirmed the content of those statements is true and correct. In evidence in chief, he was asked whether there are receipts to support any of the expenses that are referred to in the witness statement

of the first appellant. He explained that there are receipts for some transactions such as medical costs, but not for other expenditure like groceries and clothing. He accepts there are no receipts in the evidence before the Tribunal. He was asked to explain the 5000 Rupee expenditure for the second appellants education. He claimed the second appellant attends college and there are costs associated with that. When asked what the second appellant is studying, Mr Rajwant Singh said that he himself is uneducated, and he does not understand the education system. He is aware however that the second appellant attends college in Nadala to study a 'BA'. He does not know what subject(s) the second appellant is studying. Rajwant Singh confirmed that Sukhwant Singh is his older brother and he lives in Kappur Thala, a village that is about 35 km from where the appellants live. He confirmed that he had another brother, Kulwinder Singh, who passed away on 18 December 2015. Rajwant Singh confirmed that he built the house in which the appellants now live. When asked whether there is any documentation relating to the ownership of the property and land, he said that the property was built upon land given to the first appellant by her father-in-law, who died in 2007, prior to his death. Before that house was built, the appellants lived with the first appellant's brother-in-law (*i.e. the elder brother of the first appellant's husband*), but following the death of her father-in-law, the first appellant was told by her brother-in-law that she had to leave the house, and that she should build a house upon the land left to her by her father-in-law. Her husband did not contribute anything, and Rajwant Singh had the house built for his sister.

14. In cross-examination, Rajwant Singh confirmed his brother Sukhwant Singh does not provide any financial support to the appellants because he just about manages to support himself and his family. Mr Williams asked Rajwant Singh why the declaration made by Sukhwant Singh (*page 93 of the bundle*) refers to them sharing a bank account with Kulwinder Singh if he has passed away. Rajwant Singh said that as far as he understands, when Kulwinder Singh passed away the bank account was changed to an account in the name of Sukhwant Singh and Rajwant Singh, but the bank

may have kept Kulwinder Singh's name on the account. He said they have provided the bank with the death certificate of Kulwinder Singh. Rajwant Singh confirmed the tenant of the agricultural land is Dastar Singh. He said that Dastar Singh has made a declaration and that everyone in the village knows the first appellant's husband is an alcoholic and does not look after her. Rajwant Singh said that he told Dastar Singh that the income from the agricultural land is shared by the three brothers' families and that his share of the income is provided to the first appellant to support the appellants.

15. I also have in the appellant's bundle, a declaration that was signed by Mr Sukhwant Singh, (*page 93 of the bundle*). He is the brother of the first appellant. He too claims the first appellant's husband has been living in Germany "for years" and that he has not contacted the appellants or provided any support, financial or otherwise, to them. He states his brother, Rajwant Singh built a house to provide the appellants with a home as they had no support and nowhere to stay. He states that he and another of their brothers, Kulwinder Singh, share a joint bank account in which Rajwant Singh has transferred money from the UK to the appellants. He states that as he is going through financial hardship and has limited finances for himself and his wife, he is unable to provide any support to the appellants.
16. There is also a declaration signed by Mr Dastar Singh (*page 95 of the bundle*), on 19<sup>th</sup> February 2021. He is a resident of the Bagwanpur village and states that Rajwant Singh has leased his agricultural land in the village to him. He states he has been paying the lease amount to the first appellant into a bank account that is shared by her three brothers, namely Rajwant Singh, Sukhwant Singh and Kulwinder Singh. He also delivers "grain items such as rice and wheat, as well as some seasonable vegetables" to the first appellant as part of the lease payments that he owes to Rajwant Singh.
17. The appellant's bundle before the First-tier Tribunal also included:

- a. A letter from Sukhpal Singh Khaira; *(page 12 of the bundle)*. He claims Yadwinder Singh lives in Germany, has alcohol issues and does not support his family financially. He claims both of Yadwinder Singh's parents have now passed away and that he is aware that the first appellant's brother, Rajwant Singh has been financially supporting the appellant's and it will be very difficult for them to survive without that support.
- b. A letter from Sukhwinder Kaur; *(page 13 of the bundle)*. She claims Yadwinder Singh has lived outside of India for a very long time and he does not have contact with his family and does not support them. She claims the first appellant's brother Rajwant Singh has been supporting the appellant's over the years.
- c. A statement from Jagtar Singh; *(page 31 of the bundle)*. He confirms he travelled to India on five occasions between 2016 and 2020 and that on each of those occasions he provided various sums of money to the appellants. The money was provided to him by Mr Rajwant Singh to hand over to the first appellant.
- d. A statement from Sukhjinder Singh; *(page 44 of the bundle)*. He confirms he travelled to India on two occasions, in 2016 and again in 2018. He states that on each of those occasions he provided money to the appellants (£600 in 2016 and £300 in 2018). The money was provided to him by Mr Rajwant Singh to hand over to the first appellant.
- e. A letter from Darshan Singh dated 4<sup>th</sup> January 2021; *(page 51 of the bundle)*. He states Yadwinder Singh is currently in Germany and that he does not work or support his family back home. He claims to know the appellants are supported by Mr Rajwant Singh and that after Yadwinder's parents died, the appellants had no-

where to live. He states the appellants were forced to leave their house and Rajwant Singh built a house for them.

### The Legal Framework

18. The burden rests upon the appellants to establish their entitlement to an EEA family Permit on a balance of probabilities. In reaching my decision I have had careful regard to all the evidence before me, whether it is expressly referred to in this decision or not.

19. Regulation 8 of the 2016 EEA Regulations does not itself grant any rights but defines the term 'extended family member' for the purpose of the Regulations. Insofar as is relevant her, Regulation 8 provided:

“8.- (1) In these Regulations “extended family member” means a person who is not a family member of an EEA national under regulation 7(1)(a), (b) or (c) and who satisfies a condition in paragraph (2), (3), (4) or (5).

(2) The condition in this paragraph is that the person is—

(a) a relative of an EEA national; and

(b) residing in a country other than the United Kingdom and is dependent upon the EEA national or is a member of the EEA national’s household; and either—

(i) is accompanying the EEA national to the United Kingdom or wants to join the EEA national in the United Kingdom; or

(ii) has joined the EEA national in the United Kingdom and continues to be dependent upon the EEA national, or to be a member of the EEA national’s household.

...

20. The appellants must first establish that they are the relatives of an EEA national. Provided, as here, the relationship is established, there are two separate routes to qualification. The appellants must demonstrate they were either: (i) dependent on the EEA national in a country other than the UK, or (ii) a member of the EEA national’s household in a country other than the UK. Although ‘dependence’ and ‘membership of the EEA

national's household' are alternative routes, there is often likely to be some overlap in the evidence.

21. The entitlement to an EEA family permit only accrues if the appellants are 'dependent' on the union citizen. In Reyes v Migrationsverket (C-423/12), albeit in the context of a 'Family member', the CJEU confirmed that dependency is a question of fact and the dependency must be genuine, but if it is found that the family members essential needs are met by the material support of an EEA national, there is no need to enquire as to the reasons for the dependency and there is no reason to show emotional dependency.
22. In Lim - ECO (Manila) [2015] EWCA Civ 1383 Lord Justice Elias, with whom McCombe LJ, and Ryder LJ agreed, said, at [25], it is not enough simply to show that financial support is in fact provided by the EU citizen to a family member. The family member must need the support from his or her relatives in order to meet his or her basic needs. The correct test was set out at paragraph [32] of the decision. The critical question is whether the individual is in fact in a position to support themselves. That is a simple matter of fact. If they can support themselves, there is no dependency, even if he/she is given financial material support by the EU citizen. Those additional resources are not necessary to enable them to meet their basic needs. Whether the appellants are dependent on the sponsor is therefore a factual question for me to assess on the evidence before the Tribunal. The burden rests upon the appellants.

### Findings and conclusions

23. The appellants' dependence upon the sponsor arises, according to the appellants, because the first appellant's husband and the second appellant's father, Yadwinder Singh, is said to have deserted them. It is said that he is living in Germany. The difficulty with the appellants claim is that there is very little evidence before the Tribunal to support the claims made. I accept the first appellant, Sukhwant Singh, Rajwant Singh,

Sukhpal Singh Khaira and Darshan Singh all refer to Yadwinder Singh living in Germany and that Sukhwinder Kaur refers to Yadwinder Singh living outside the UK. There has been no opportunity to test the evidence of first appellant, Sukhwant Singh, Sukhpal Singh Khaira, and Sukhwinder Kaur because they all live in India, but that affects the weight I attach to their evidence. Darshan Singh lives in Leicester and in his witness statement he sets out his familial connections to Yadwinder Singh and his knowledge of the support provided by Rajwant Singh to the appellants. However for reasons that are neither apparent nor explained, he did not attend the hearing of the appeal and submit to cross-examination. I therefore attach little weight to his evidence.

24. The year in which Yadwinder Singh left India is not set out in the evidence before me. In her declaration, the appellant claims "*Yadwinder Singh has been living in Germany for years*". She claims he has not contacted the appellants since 2007 and that the last time he went to see them was in 2007. She claims that although he visited India on one occasion after 2007, he stayed with his brother and did not visit her or their son. In his oral evidence before me, Rajwant Singh said the first appellant's father-in-law passed away in 2007, and that prior to the property in which the appellants now live being built, the appellants lived with the first appellant's brother-in-law. It seems therefor that Yadwinder Singh appears to have returned to India in 2007 when his father passed away and on balance, I find that is the occasion in 2007 that the first appellant claims she last had any contact with him. In his witness statement Rajwant Singh refers to Yadwinder Singh being resident in Germany "*for over 10 years*". He claims Yadwinder Singh returned to India in 2008 when his brother died, and again in 2015. He claims Yadwinder Singh did not live with the appellants on those occasions.
25. None of the witnesses, including the first appellant, has provided any evidence explaining the decision by Yadwinder Singh to move to Germany. If it is true that the appellants have had no contact with Yadwinder Singh since 2007, the reasons for that are entirely unexplained. He clearly had

some contact with the appellants between his move to Germany and 2007. If it is claimed that the relationship between the first appellant and Yadwinder Singh broke down, there is no evidence before the Tribunal regarding the breakdown of that relationship. In the absence of a credible explanation, I do not accept the evidence of Rajwant Singh that Yadwinder Singh had no contact and did not live with the appellants when he returned to India in 2008 and 2015. In any event, as the first appellant accepts in her most recent statement, she remains married to Yadwinder Singh. Without more, I do not accept that on balance, Yadwinder Singh has deserted the appellants in the way they claim. I find that I have not been provided with a true and accurate account of the role that Yadwinder Singh plays in the lives of the appellants.

26. I have considered the evidence of Rajwant Singh in particular, regarding the support that he has provided to the appellants. I accept that in his oral evidence before me, he was trying to do his best to assist the Tribunal, but his evidence was very vague. I begin with his evidence that following the death of the first appellant's father-in-law, he built the house in which the appellants now live. That is said to be a property built upon land left to the first appellant by her father-in-law. Beyond the bare assertions made in the letters and declarations provided by others, there is no evidence from official sources before me regarding the ownership of that property. There is no evidence before me of the funds transferred by Rajwant Singh to pay for the construction of that property. I do not accept, on balance, that the property in which the appellants live is owned solely by Rajwant Singh or that he was solely responsible for the construction of it. In any event, it is clear from the evidence before me that Rajwant Singh has never lived in the property that is occupied by the appellants. There is no evidence before me of any funds paid by Rajwant Singh for the maintenance, upkeep and running of that property that could in any sense establish that the appellants are members of the EEA national's household.

27. Although it is claimed that Rajwant Singh has been supporting the appellants since 2007 (*when the first appellant claims Yadwinder Singh left India*), there is scant evidence before me of funds sent by him to the appellants. In his witness statement dated 6<sup>th</sup> January 2021, Rajwant Singh refers to ten occasions between March 2011 and October 2019 when he visited India and provided the appellants with various sums of money of between £800 and £1500, amounting to a total of £12,300. Although I accept he travelled to India between the dates set out, there is no evidence before me as to how the appellants were able to support themselves between 2007 and 2011, and there is no evidence before me of any corresponding cash withdrawals made by Rajwant Singh from his savings or earnings between 2011 and 2019. Having had the opportunity of observing Rajwant Singh give evidence before me, I do not accept that he would be able to accurately recall the precise sum he provided to the appellants on each of his visits to India, without any record. No such record has been disclosed or provided.
28. In his declaration, Mr Sukhwant Singh claims Rajwant Singh transferred funds from the UK to the appellants by making payments into a joint bank account held in the name of the three brothers, Rajwant Singh, Sukhwant Singh and Kulwinder Singh. At page 18 of the appellant's bundle there is evidence in the form of remittance 'Acknowledgement slips' showing transfers of money to Mr Sukhwant Singh during 2011 and 2012. That money was not sent by Mr Rajwant Singh, but by others including Jagtar Singh, and Tarinderjot Singh. There is no evidence before me in the form of bank statements relating to the account in the name of the three brothers confirming receipt of sums sent by Rajwant Singh, with corresponding entries showing withdrawals from that account used for the benefit of the appellants.
29. That however is not to say that I reject the evidence of Rajwant Singh in this respect entirely. I accept that during each of his visits to India he is likely to have provided the appellants with some money. That would not be unusual. I do not however accept that he provided the sums claimed. The

evidence of Rajwant Singh that he has provided some money to the appellant is internally consistent with the unchallenged evidence of Sukhjinder Singh and Jagtar Singh. In his witness statement dated 6<sup>th</sup> January 2021, which I accept, Sukhjinder Singh confirms that when he visited India in July 2016 and July 2018 he was given money (£600 and £300 respectively) by Rajwant Singh that he handed over to the appellants. Again that is not unusual and I accept his evidence. Similarly, in his witness statement Jagtar Singh confirms that when he visited India on five occasions between 2016 and 2020 he was given money by Rajwant Singh that he handed over to the appellants. Again that is not unusual and I accept his evidence. I pause to note that if that is the 'Jagtar Singh' that transferred money to Sukhwant Singh as shown in the remittance acknowledgements at page 18 of the appellant's bundle, he provides no explanation for that transfer in his witness statement.

30. The fact that Rajwant Singh has sent money to the appellant is not on its own enough. As is now clear from the authorities, it is not enough simply to show that some financial support is in fact provided by the EU citizen. The family member(s) must need the support in order to meet his or her basic needs, or put another way, their essential living costs.
  
31. Again beyond the bare assertions made in the declarations, letters and statements, the evidence before me is very limited. In paragraph [4] of her most recent witness statement, the first appellant outlines the expenditure, but there is no evidence before the Tribunal regarding that expenditure, or any means by which I can properly conclude, on balance, that the appellants' essential living needs are met by funds provided by Mr Rajwant Singh. I accept that in a cash economy such as that operated in rural India, there will often be an absence of evidence to support expenditure such as the cost of everyday transport, groceries and clothing. However there is no evidence before me whatsoever to support the claims made regarding expenditure in respect of education and utilities such as gas and electric. In his evidence before me, I accept that Rajwant Singh was doing his best to assist the Tribunal, but his evidence was again very

vague. When questioned about the second appellant's education, he was unable to say anything more than the second appellant attends college. If, as is claimed, Rajwant Singh is responsible for the essential living costs of the appellants, it is likely that there would be some evidence of the costs of the second appellant's education being met by Rajwant Singh. There is, for example, no evidence that the college costs, are paid by money transfers from Rajwant Singh to the college.

32. I accept the appellants derive some benefit from the agricultural land that is owned by Rajwant Singh in India. I accept the evidence of Rajwant Singh before me that there is an arrangement in place that permits the appellants, together with the families of the brothers to receive some of the crops that are grown on the agricultural land by the tenant farmer, Dastar Singh. However, the arrangement is clearly not as described by Dastar Singh in his declaration that is at page 95 of the bundle. Dastar Singh does not pay any sum directly to the first appellant.
  
33. In his witness statement dated 6<sup>th</sup> January 2021, Rajwant Singh claims, at paragraph [4] that rent amounting to approximately £1500 per year from his agricultural land in India is paid directly to his sister. However, in his evidence before me Rajwant Singh explained that the income from the agricultural land is received by way of a payment from the tenant of the land, by cheque, which is deposited into a bank account held by Rajwant Singh and his brother Sukhwant Singh. The tenant pays an annual rent of 29,000 Indian Rupees / Acre. Rajwant Singh explained he holds 5¼ acres of agricultural land and he therefore receives approximately 152,250 Rupees annually. He explained that his brother, Sukhwant Singh also holds 5¼ acres of agricultural land and derives the same level of income. His deceased brother, Kulvinder Singh, also held 5¼ acres of agricultural land and his share of the income is paid to his wife and son. The appellants benefit from the land by taking crops such as wheat, rice and potatoes, and the cost of those crops is deducted by the tenant of the land (Dastar Singh), from the rent due. Rajwant Singh explained the tenant pays the rent for the combined 15¾ acres of land after deduction of the costs of the

crops taken by the appellants and the families of the brothers', by cheque, to Sukhwant Singh, who then divides the money received equally between the three families. No records are kept of the crops taken from the land by the appellants or the brothers' families. The benefit received by the appellants from the crops grown on the agricultural land is not therefore deducted from the income of Rajwant Singh, but from the income derived from the land by all three brothers' families. I have not been provided with copies of the bank statements relating to the bank account held in the joint names of the brothers (whether that be two brothers or three) showing the income received from the agricultural land, and more importantly, confirming that the share due to Rajwant Singh is in fact paid to the appellants.

34. Unfortunately, in the end there is a paucity of evidence to support the appellants claim that they are dependent upon Rajwant Singh to meet their essential daily needs. There is a noticeable absence of evidence with regard to matters that are at the heart of the issue in this appeal. I accept the appellants do not need to be solely financially dependent on their EEA Sponsor and even if the appellants were paying for some of their living costs, that does not mean the appellants are not receiving financial support for their essential needs. However, even taking a holistic view of the evidence before me, there is a lack of evidence to establish that it is the EEA Sponsor who is primarily financially responsible for the accommodation and essential living expenses of the appellants.
35. I find it is more likely than not, that Rajwant Singh has indeed given or sent money to his sister and nephew on occasion. However, on the evidence before me, the appellants have failed to establish that they are in receipt of financial support, either directly and indirectly through the provision of accommodation, education, food, clothing and so on, for their basic needs. Considering the evidence as a whole I find that the appellants have not established, on the balance of probabilities, that they are dependent extended family members of the EEA Sponsor as defined in Regulation 8 of the 2016 EEA Regulations.

36. It follows that I dismiss the appeal.

**Notice of Decision**

37. The appeal is dismissed.

Signed **V. Mandalia**  
2023

Date 7<sup>th</sup> March

Upper Tribunal Judge Mandalia