



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

UI-2022-001522 & UI-2022-002122
EA/06344/2021 & EA/06343/2021

THE IMMIGRATION ACTS

Decision & Reasons Promulgated
On the 10 March 2023

Before

UPPER TRIBUNAL JUDGE SHERIDAN
DEPUTY UPPER TRIBUNAL JUDGE DOYLE

Between

ELDON MECHEDO QUADROS
IJIDORO EDEZITO QUADROS
(NO ANONYMITY ORDER MADE)

Appellants

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Dr Chelvin, Counsel instructed by Turpin & Miller LLP (Oxford)
For the Respondent: Mr Whitwell, Senior Home Office Presenting Officer

Heard at Field House on 16 January 2023

DECISION AND REASONS

1. This is an appeal against a decision of Judge of the First-tier Tribunal Ford (“the judge”) promulgated on 13 January 2022.
2. We have given only brief reasons because at the hearing Mr Whitwell conceded that the decision should be set aside and remitted to the First-tier Tribunal to be made afresh.
3. The appellants are brothers who applied for a family permit under the Immigration (EEA) Regulations 2016. These regulations are no longer in force but it is not in dispute that were applicable in respect of the appellants.

4. The issue in contention before the judge was whether the appellants were dependent on their sister (Ms Q) and brother (Mr Q), both of whom live in the UK.
5. At the hearing, oral evidence was given by both Ms Q and Mr Q. However, the judge only referred to the evidence of Ms Q.
6. The grounds contend, and Mr Whitwell accepted before us, that the judge fell into error because he either (1) overlooked and failed to consider Mr Q's evidence; or (2) if he did consider Mr Q's evidence, failed to give any reasons explaining why he did not believe Mr Q.
7. Both parties were in agreement that the matter should be remitted to the First-tier Tribunal. Given that the evidence of one of the key witnesses was not referred to in the decision, we consider it appropriate for the matter to be remitted to the First-tier Tribunal to be heard afresh. We reach this conclusion having regard to paragraph 7.2(a) of the Practice Statements of the Immigration and Asylum Chambers of the First-tier Tribunal and Upper Tribunal as well as the overriding objective in rule 2 of the Tribunal Procedure (Upper Tribunal) Rules 2008.

Notice of Decision

The decision of the First-tier Tribunal involved the making of an error of law and is set aside. The appeal is remitted to the First-tier Tribunal in order for the decision to be made afresh by a different judge.

D. Sheridan

Judge of the Upper Tribunal
Immigration and Asylum Chamber

16 January 2023