



**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On 10 January 2024**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE PARKES**

**Between**

**DALJIT KOUR GILL**

Appellant

and

**ENTRY CLEARANCE OFFICER**

Respondent

**Representation:**

For the Appellant: Mr S Vokes (Counsel, instructed by )

For the Respondent: Mrs R Arif (Senior Home Office Presenting Officer)

**Heard at Birmingham on 21<sup>st</sup> December 2023.**

**DECISION AND REASONS**

1. The Appellant applied for entry clearance to the UK under the Adult Dependent Rules on the 1<sup>st</sup> of April 2022. The application was refused for the reasons given in the Refusal Notice of the
2. The Appellant's appeal was heard by Judge Row at Birmingham on the 22<sup>nd</sup> of May 2023 and dismissed for the reasons given in the decision promulgated on the 31<sup>st</sup> of May 2023. The Appellant sought permission to appeal in grounds of the 14<sup>th</sup> of August 2023. Permission was granted by Judge Dempster on the 19<sup>th</sup> of October 2023.
3. At the hearing it was accepted by the Respondent that the Judge had erred in not considering the position of the Appellant's grandchildren under section 55 and that their position should have been considered as part of the proportionality assessment. The representatives remained at odds over whether Judge Row had properly considered paragraph GEN3.2 which was reserved.
4. Given that the best interests of the grandchildren have not been addressed those form part of the assessment of the family's position in the UK and are relevant to the assessment under GEN3.2. In the circumstances I find that the accepted error feeds

into the remaining issue and that too falls for reconsideration. It was agreed that the decision could be remitted to First-tier Tribunal to Judge Row to complete the findings necessary to the final disposal of the appeal.

**Notice of Decision**

5. The decision of Judge Row contains material errors of law, section 55 and the best interests of the Appellant's grandchildren have yet to be considered and those findings necessitate revisiting the findings in relation to GEN 3.2 of the Immigration Rules. The appeal is remitted to Judge Row to complete the exercise.

Judge Parkes

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

2<sup>nd</sup> January 2024