



**Upper Tribunal
(Immigration and Asylum Chamber)
IA/20004/2014**

Appeal Numbers:

IA/20005/2014

IA/20006/2014

IA/20007/2014

THE IMMIGRATION ACTS

Heard at Field House

On 11 October 2017

**Decision & Reasons
Promulgated
On 20 October 2017**

Before

DEPUTY UPPER TRIBUNAL JUDGE HUTCHINSON

Between

**MRS JESSICA EKEI EPSE KUM BONG
MR KELLY AJEH AWEN KUM
MR ZONGKEWEN CHI KUM
MR AFUOWEN TEGHA KUM
(ANONYMITY DIRECTION NOT MADE)**

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Ms A Vatish of Counsel instructed by Lawrence & Associates Solicitors

For the Respondent: Mr T Wilding, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellants in this appeal are citizens of Cameroon. The appellants appealed the decision of the respondent dated 29 March 2014 to issue the appellants with residence cards as extended family members (mother-in-law and brothers-in-law) of an EEA national. Judge of the First-tier Tribunal Sullivan in a decision promulgated on 13 July 2016 dismissed the appellants' appeal against the refusal of the respondent to issue EEA residence cards. In the decision promulgated on 13 July 2016 Judge of the First-tier Tribunal Sullivan allowed the appeal of Mr Lionel Kum Foy, the spouse of the EEA sponsor, but dismissed the appeals of the second, third, fourth and fifth appellants before the First-tier Tribunal (the appellants before the Upper Tribunal) on the basis of a lack of adequate evidence that they were extended family members.
2. The appellants appealed to the Upper Tribunal on the basis that it was argued the judge erred in law in considering the issue of dependency. Upper Tribunal Judge Smith granted permission to appeal on 17 August 2017 but only on the ground that there were no valid appeals before Judge of the First-tier Tribunal R Sullivan following the decision in **Sala (EFMs: Right of Appeal) [2016] UKUT 00411 (IAC)**. The Upper Tribunal decided that there is no right of appeal for extended family members in such cases.
3. Although Ms Vatish's arguments before me were essentially that **Sala** was promulgated after the decision of First-tier Tribunal Judge Sullivan, which was promulgated on 13 July 2016 whereas **Sala** was reported on 19 September 2016, that does not assist the appellants as **Sala** sets out what the law is in relation to extended family members. In her decision of 17 August 2017 Upper Tribunal Judge Smith made directions that unless she received objections in writing within fourteen days from 17 August 2017 she proposed to find an error of law in the decision insofar as it related to the four appellants to the Upper Tribunal on the basis that the judge lacked jurisdiction in the appeals and proposed to set aside paragraphs [40] to [67] and paragraph [70] of the decision and re-make the decision dismissing the appeals of the four appellants. There were no such objections made and as already noted Ms Vatish's point does not assist the appellants. As I indicated to her, even if it did there was no merit in her argument that the decision should be set aside and remitted as there was no other ground of appeal before me apart from the **Sala** point.

Conclusion

The decision of the First-tier Tribunal contained an error of law in relation to the four appellants in this appeal and must be set aside at paragraphs [40] to [67] and [70] of the decision. I re-make the decision dismissing those appeals for want of jurisdiction.

No anonymity direction was sought or is made.

Signed

Date: 11 October 2017

Deputy Upper Tribunal Judge Hutchinson

TO THE RESPONDENT
FEE AWARD

As I have dismissed the appeals no fee award is made.

Signed

Date

Deputy Upper Tribunal Judge Hutchinson