



**Upper Tribunal  
(Immigration and Asylum Chamber) Appeal Number: UI-2022-000106;  
EA/04496/2021**

**UI-2022-000107; EA/04500/2021  
UI-2022-000108; EA/04503/2021  
UI-2022-000109; EA/04505/2021**

**THE IMMIGRATION ACTS**

**Determined at Field House  
On the 20 June 2022**

**Decision & Reasons Promulgated  
On the 18 July 2022**

**Before**

**UPPER TRIBUNAL JUDGE BLUM  
DEPUTY UPPER TRIBUNAL JUDGE G BLACK**

**Between**

**IRFAN TARIQ  
TARIQ AHMED KHAN  
RANA HARRIS AHMAD  
EMAN TARIQ  
(ANONYMITY DIRECTION NOT MADE)**

Appellants

**and**

**ENTRY CLEARANCE OFFICER**

Respondent

**DECISION AND REASONS**

1. This decision is issued under the provisions of rule 40(3)(a) and (b) of the Tribunal Procedure (Upper Tribunal) Rules 2008. Both subparagraphs of rule 40(3) apply to this decision.
2. This decision is additionally issued pursuant to rule 34 of the Tribunal Procedure (Upper Tribunal) Rules 2008 in circumstances where the

Tribunal has had regard to the view expressed by both parties when deciding whether to hold a hearing.

3. In reaching its decision the Upper Tribunal has had regard to the Rule 24 response dated 11 March 2022 from the respondent, represented by Zoe Young of the Specialist Appeals Team). In this document the respondent accepted that the First-tier Tribunal Judge Parkes materially erred in law in relation to his application of Begum [2021] EWCA Civ 1878, specifically, paragraph 29 of Begum at [9] of the First-tier Tribunal decision. The respondent considered that the First-tier Tribunal decision should be set aside and heard afresh in the First-tier Tribunal.
4. It was the Upper Tribunal's preliminary view that the respondent's approach in the rule 24 response was correct.
5. To this end the Upper Tribunal invited the parties to give their view as to whether the Upper Tribunal should determine the appeals without a hearing pursuant to rule 34 of the Tribunal Procedure (Upper Tribunal) Rules 2008, and whether it should issue a decision under rule 40(3)(a) or (b) of the Tribunal Procedure (Upper Tribunal) Rules 2008 allowing the appeals and remitting the matter back to the First-tier Tribunal for a *de novo* hearing.
6. In an email from Ms Young received by the Upper Tribunal at 15:27 on 16 June 2022 the respondent indicated that she had no objection to the proposed course of action. Nor was any objection raised by the appellants representative.
7. The decision of Judge of the First-tier Tribunal Parkes, promulgated on 10 January 2022 is erroneous in law. The Judge failed to lawfully apply Begum [2021] EWCA Civ 1878.
8. The appeals are remitted back to the First-tier Tribunal to be determined *de novo* by a judge other than Judge Parkes.

### **Notice of Decision**

**The judge's decision contains a material error of law. The linked appeals are remitted back to the First-tier Tribunal, to be heard afresh by a judge other than Judge Parkes.**

D.Blum

20 June 2022

Signed  
Upper Tribunal Judge Blum

Date