



**Upper Tribunal  
(Immigration and Asylum Chamber)**

Appeal Number: UI-2022-002048  
UI-2022-002049  
[HU/07683/2020 & HU/07686/2020]

**THE IMMIGRATION ACTS**

**Field House  
On 8 September 2022**

**Decision & Reasons Promulgated  
On 13 October 2022**

**Before**

**UPPER TRIBUNAL JUDGE KOPIECZEK**

**Between**

**MAMTA TEYUNG & PRADIT KUMAR  
(ANONYMITY DIRECTION NOT MADE)**

Appellants

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellants: Mr S. Ahmed, Counsel

For the Respondent: Ms A. Everett, Senior Home Office Presenting Officer

**DECISION PURSUANT TO RULE 40(3)(a) OF THE TRIBUNAL PROCEDURE  
(UPPER TRIBUNAL) RULES 2008**

1. The appellants are citizens of Nepal born in 1971 and 1975, respectively. They appealed to the First-tier Tribunal ("FtT") against the respondent's decisions to refuse their applications for entry clearance as the adult dependants of a former Gurkha soldier.
2. Permission to appeal the decision of the FtT having been granted, the appeal came before me for hearing. At that hearing it was agreed between

the parties that the FtT had erred in law in its decision to dismiss the appeals of both appellants notwithstanding the finding that there was an existing family life between the appellants and the sponsor.

3. It was further agreed between the parties that the error of law is such as to require the decision of the FtT to be set aside and for the decisions to be re-made, allowing the appeal of each appellant.
4. In the circumstances, I set aside the decision of the FtT for error of law and re-make the decision, allowing the appeal of each appellant.
5. Pursuant to rule 40(3)(a) of the Tribunal Procedure (Upper Tribunal) Rules 2008, no reasons (or further reasons) are required, the decision being made with the consent of the parties.

**A.M. Kopieczek**

Upper Tribunal Judge Kopieczek

09/09/22