Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: UI-2021-001724
EA/50302/2020; IA/00655/2021

THE IMMIGRATION ACTS

Heard at Birmingham CJC	**Decision & Reasons Promulgated**
On 18 October 2022	**On 27 November 2022**

Before

UPPER TRIBUNAL JUDGE HANSON

Between

SIMRANJEET KAUR MAAN
(Anonymity direction not made)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:
For the Appellant: Mr Hingora instructed by Wright Justice Solicitors.
For the Respondent: Mr A McVeety, a Senior Home Office Presenting Officer.

DECISION AND REASON

1. The appellant, a female citizen of India born on the 3 September 1996, appeals with permission a decision of First-tier Tribunal Judge Gribble ('the Judge') promulgated following a hearing at the Birmingham Priory Courts on 13 July 2021.
2. The appellant entered the United Kingdom on 9 January 2016 lawfully as a student but later made an application for a residence card as an

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extended family member of an EEA national under regulation 8 of the Immigration (European Economic Area) Regulations 2016.

3. The EEA national in this case is a Ms Macur, a Polish national resident in the UK who is described as the durable partner of the appellant's brother, Mr Sajabir Singh Maan, who entered the UK in 2011 or 2012 as a student and who was granted a residence card as the durable partner of Ms Macur on 27 May 2017, and so is treated as a family member of the EEA national. The Judge records it was common ground their relationship began in June or July 2015.

4. The Judge had the benefit of considering the written and oral evidence which was clearly considered with the required degree of anxious scrutiny before setting out findings of fact from [24] of the decision under challenge. From [29] the Judge wrote:

> 29. I have given careful and anxious consideration to all of the evidence and materials before me in this case. I find on the evidence of Mr Maan that his family were self-sufficient in India. They did not need support when Mr Maan was in India. They used the money he sent when he arrived in 2012 for savings and in case of bad times. Ms Macur did not know Mr Maan before June 2015 so it matters little what they used the money for in reality, but I am satisfied it was not for essential needs as the evidence was the family were doing well without it. Ms Maan, although a child then, talks of her family being independent and having income but using the money for bad times, to tide them over.
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> 30. I make little of the discrepancy between what Ms Maan and her brother said about their families working arrangements. I accept what Mr Maan said that he no longer sent money to his family once his sister was in the UK and find that although Ms Macur wanted to help, her evidence was not reliable on this point.
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> 31. I have no reason to doubt the WU transfers and accept they reflect what Mr Maan sent. They show money tailing off to almost nothing in 2015. I did not accept that friends sent cash too. There was no evidence of this at all and evidence could have been readily available.
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> 32. The key issue is whether Ms Maan was dependent on her EEA sponsor prior to her coming to the UK. Were there the 'stable family ties' and dependence in India required by Rahman? One way to look at this is to say absolutely not because Ms Macur and Mr Maan did not know each other until June 2015 and Ms Maan did not gain the status of an extended family member until May 2017 by which time she had been in the UK over a year. Mr Uddin says that is incorrect and because the relationship started in June (or July) 2015 that is the date she became an Extended Family Member.
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> 33. I reject this argument. On any reading Mr Maan started the relationship in late 2015 but his status is only conferred after a period of time as being a durable partner; in this case around 2 years. Until that time the relationship could have

ended and he would not be entitled to a Residence card. He was not a Family Member until 2017 so his sister could not be an Extended Family Member (EFM) until that time too. As she was not an EFM until May 2017 she cannot have been dependent on Ms Macur before then. On that ground therefore the appeal fails. There cannot be prior dependence if there is no family relationship established.

34. If that is incorrect and the mere fact of the relationship between Mr Maan and Ms Macur conferred status on Ms Maan, was there any dependence of Ms Maan on Ms Macur between June 2015 and January 2016? There were no family ties on any view because Mr Maan and Ms Macur were concentrating on domestic issues. There is no evidence of any communication between Ms Macur and Ms Maan prior to them meeting at the airport in January 2016. In terms of financial dependence on any view of the evidence there was not. Firstly, Mr Maan said himself he sent nothing because he was saving to get a flat so he and Ms Macur could have contact with her daughter. Although I accept he sent £150 this is insufficient to show dependence when at its highest in other years £1500 was being sent. I am satisfied this was a token amount and was not used to meet any particular need.

35. Therefore, I am satisfied on consideration of all of the evidence that Ms Maan has not demonstrated to the required standard that she meets the requirements of the Regulations. The appeal is dismissed.

5. The appellant sought permission to appeal on four grounds, Ground 1 asserting a misdirection in law in the construction/interpretation of Regulation 8(2) of the EEA Regulations/Article 3.2 of Directive 2004/38/EC focusing upon the specific findings at [32] that the relationship did not come into existence until May 2017 arguing that the requirement to demonstrate prior dependency cannot be considered as being fatal to a third person's entitlement to an EEA Residence Card, Ground 2, asserting a misdirection in law in relation to the assessment of dependency/member of household in the Judge's finding that the issue of whether the appellant was dependent to remember the household of the EEA national fell to be determined from the point of time that the relationship between the appellant and EEA national came into existence which was put at May 2017 and whether there was continuing dependency/member of household from that date onwards when it is asserted there was evidence the appellant was dependent or a member of the EEA household from May 2017 which continue to the date of hearing. Ground 3 asserts the Judge erred in relation to the issue of an extensive examination of the personal circumstances/exercise of discretion arguing the decision maker erred in failing to conduct an extensive examination of the appellant's circumstances and accordingly the decision was legally flawed. Ground 4 asserts misdirection in law in relation to the question of prior dependency/member of household arguing that for the reasons set out in grounds 1 – 3 the Judge erred in dismissing the

appeal on the grounds the appellant had failed to satisfy prior dependency. This ground also pleads in the alternative that the evidence demonstrated the appellant was dependent in India for some of her essential needs given she was a full-time student with no personal income of her own and that her costs in relation to her studies and personal essential needs were met by the EEA national prior to her leaving the UK. The Grounds also assert the Judge erred by focusing on financial dependency without considering emotional dependency which the appellant asserts was sufficient for the purposes of Article 3(2) of the Directive, that dependency was not limited to financial dependency, and that the Judge erred in failing to take proper consideration of the evidence and considered irrelevant matters.

6. Permission to appeal was granted by another judge of the First-tier Tribunal on 8 October 2021 which, without explanation, states "Permission is granted on all grounds". Such a grant is unhelpful in establishing why it was thought by that judge that arguable material legal error had been made out.

Discussion

7. Under the previous regime affecting EU nationals and their families, set out in the Immigration (EEA) Regulations 2016, an 'extended family member' is defined in Regulation 8 as follows:-

- *a relative of an EEA national who is residing in a country other than the UK and is dependent on the EEA national*
- *is a member of their household and either:*
  - *is accompanying the EEA national to the UK or wishes to join them*
  - *has joined them in the UK and continues to be dependent on them or to be a member of their household*

- *a relative of an EEA national who strictly requires the personal care of the EEA national due to serious health grounds*
- *a relative of an EEA national who would meet the requirements of the Immigration Rules for indefinite leave to remain (other than those relating to entry clearance) as a dependent relative of an EEA national as if the EEA national was a person present and settled in the UK*
- *the partner (other than a civil partner) of an EEA national who can prove they are in a durable relationship with the EEA national*

The definition of a 'relative' is given in the guidance relating to extended family members under the 2016 Regulations, as follows:-

The term 'relative' includes:

- *brothers*
- *sisters*
- *aunts*

- *uncles*
- *cousins*
- *nieces*
- *nephews*

This list is not complete. You can also include those related by marriage to the EEA national and further generations of the above relatives such as great-aunts, great-nephews and second cousins. Since 11 February 2016 an applicant related by marriage to the spouse of an EEA national who has not previously been issued with documentation under the regulations is not considered an extended family member.

8. It is not disputed the appellant is a relative of her brother who is in a durable relationship with the EEA national. It is settled law that Article 3 of the Directive does not automatically entitle an extended family member to join or reside with the Union citizen in the host Member State, as that right is reside for ordinary family members as defined by Article 2.

9. The leading case remains that of Rahman [2012] CJEU Case -83/11 which was recently considered by the Court of Appeal in Choudhury v Secretary of State for the Home Department [2021] EWCA Civ 1220 in which it was written:

> **Discussion and conclusions**
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> 25. This Court has previously assumed the need for ongoing dependency (see *Aladeselu v SSHD* [2013] EWCA Civ 144, *Oboh v Home Secretary* [2014] 1WLR 1680, *Latayan v SSHD [2020]* EWCA Civ 191) when determining other points of law arising from the Directive and the 2006 Regulations but has never been called upon to address the point specifically. It is obviously an important question, and one with far reaching implications beyond the facts of this case. Nevertheless, I think it is an issue that is correctly and readily resolved by reference to national law, in accordance with what was said by the Grand Chamber in *Rahman*. I also agree with Ms Smyth that Mr de Mello's submissions cannot prevail by reference to either domestic or EU law.
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> 26. It appears to me that the answer given by the Grand Chamber in *Rahman* to question 6, as indicated above, makes clear that subject to any successful challenge that regulation 8(2) undermines the effectiveness of article 3(2) of the Directive, the determination of whether the conditions of dependency have been fulfilled is a matter for domestic law. This accords with the recitals and article 3(2)(a) of the Directive, to which I refer above.
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> 27. If that be so, I read the words "and continues to be" in regulation 8(2)(c), when seen in the chronological context of the primary condition in regulation 8(2)(a), "residing in a country other than the UK and *is* dependent upon" (emphasis provided), as speaking to a persisting state of affairs. This is

the plain and natural meaning of the words. The condition in regulation 8(2)(a) defines the starting point. The condition in regulation 8(2)(c) the necessary duration.

28. This interpretation is consistent with regulation 7(3), reproduced in paragraph [8] above.

29. I am prepared to accept that 'resumes' can be used as a synonym for 'continues' in the appropriate context. However, in the context of regulations 8(2) and 7(3) the meaning of 'resumes' without any qualification as to time, for which Mr de Mello contends, would be to strain the verb beyond any sensible construction. What is more, I note that his submissions nevertheless seek to invoke a quality of stability that he says is evidenced by the historic dependency required by regulation 8(2)(a). The adjective 'stable' denotes a durable condition or state of affairs, not an intermittent one separated by a period of time other than could reasonably be adjudicated to be de minimis.

30. I do not regard this literal interpretation of regulation 8(2)(c) in accordance with domestic law to be incompatible with the Appellant's, or his great uncle's, Article 8 ECHR Rights. '*Relationships between adults…would not necessarily acquire the protection of Article 8 of the Convention without evidence of further elements of dependency, involving more than the normal emotional ties.*' (See *S v United Kingdom* (1984) 40 DR 196 at 198, approved in *Kugathas v SSHD* [2003] EWCA Civ 31). The Appellant was not financially or physically dependent upon his great uncle between 2011 and 2014/15, and the nature of their contact during this period is not evidenced.

31. If I am wrong in my reliance on domestic law to resolve the issue in this case, I would nevertheless reach the same conclusion on the construction of the words 'continues to be dependent' upon application of EU law.

32. Contemplating the prospect that Mr de Mello's arguments amount to a challenge to the legitimacy of the Regulations, I would observe that it seems to me to be reasonable and rational to assess the commencement and duration of dependency or household membership as an indication of the genuine assumption of responsibility by the EEA national for a member of his extended family, and to negate any question of contrivance to subvert national border controls. This is a legitimate objective. The requirement "respects the principle of effectiveness" of the Directive and does not require persons otherwise falling within the scope of the provision to meet such unlikely conditions, for example 20 years dependency, as to remove the realistic possibility of obtaining rights of entry and residence. (See paragraph [105] of the Advocate General's opinion in *Rahman*).

33. I am fortified in this view by the decision of this Court in *Oboh*. That case concerned the necessity of an applicant to establish a dependency "in the country from which they have

come" in article 3(2) of the Directive. The applicants submitted that regulation 8 does not properly transpose article 3(2) of the Directive. This Court disagreed and found that regulation 8 of the 2006 Regulations did accord with the plain and natural meaning of the words of the Directive in defining the scope of article 3(2).

34. More specifically, Mr de Mello argues that the 2006 Regulations must be interpreted with the objective of the Directive in mind. Whilst this is uncontroversial in any examination of the interpretation and application of the 2006 Regulations in accordance with EU law, it seems to me that his submissions rely upon his extension of the objective beyond that endorsed by the Directive and recognised by the case law.

35. The Directive aims to codify and review existing Community instruments to remedy a 'piecemeal approach' to the right of free movement and residence and facilitating the exercise of that right. (See Recitals 3 and 4). The primary objective of the Directive is to promote the right of free movement of EEA nationals subject to limitations and conditions of public policy, public health, and public security. (See Recital 1). Family reunification is a corollary to the exercise of that right. It is axiomatic that an EEA national would not be 'free' to exercise the right of free movement absent consideration of their family circumstances and domestic responsibilities. Consequently Recital 5 of the Directive provides for the right to be granted to a 'family member', as subsequently defined in article 2. Recital 6 concerns the 'family in the broader sense' and calls for an examination by the member state "*on the basis of its own national legislation*" taking into consideration their relationship with the EEA national or any other circumstances such as financial or physical dependence. However, that is not to say that the objective is one of family reunification, rather it is to enable free movement.

36. The Communication upon which Mr de Mello relies, and which provides "guidance for the better transposition and application" of the Directive, adds little if anything to recital 6 of the Directive. I would observe that that part of the Communication upon which he relies in support of the principle that the Directive does not lay down any requirement as to the minimum duration of the dependency or the amount of material support provided, as long as the dependency is genuine and structural in character, refers to the status of dependent 'family members'. Even assuming its relevance in the case of 'other dependent family members', the Communication corroborates the right of the member state to differentiate between the two categories of family members, as regards their respective rights of entry and residence. It also confirms that 'emotional dependence' is not to be taken into account (*Zhu and Chen* [2005] QB 325 [84].)

37. Recital 6 is already reflected in article 3(2): the host state shall "*in accordance with its national legislation facilitate entry and residence*" of the other family members subject to "*an extensive examination of their personal circumstances.*" Family unity in the broader sense may therefore be promoted but the circumstances of an extended family member is expressly made subject to scrutiny according to national law.

38. In *Rahman* the Grand Chamber highlighted the difference between direct family and extended family members, noting that article 3(2) of the Directive conferred 'a certain advantage, compared with applications for entry and residence of other nationals of third states', but it did not require every such application to be granted. It held that the applicant would be entitled to a judicial review of whether the national legislation and its application have remained within the limits of the discretion set by the Directive. The decision would be 'founded on an extensive examination of [the applicant's] personal circumstances'. In accordance with recital (6) in the Preamble to the Directive, it would be necessary to take account of the various factors that may be relevant in the particular case 'such as the extent of economic or physical dependence and the degree of relationship' between the family member and the relevant EEA citizen.

39. As indicated above, I do not find Mr de Mello's submissions to adequately engage with the judgment in *Rahman* in the context of the circumstances of this case. In that he relies upon paragraphs [32] and [38] of the judgment, it is to highlight the point that, as follows from recital 6, the objective is "to maintain the unity of the family in the broader sense" and that the dependence is "genuine and stable". However, read as a whole, paragraph [32] defines a dependant as one

> "32. … who nevertheless *maintain* close and stable family ties with a Union citizen *on account of specific factual circumstances*, such as economic dependence, being a member of the household or serious health grounds." (emphasis again provided)

40. I do not interpret this to engage the possibility of an intermittent dependency. Mr de Mello's citation of *Reyes v Migrationsverket* [2014] QB 1140 in support of such an interpretation, fails to acknowledge the variance between direct family and extended family members in this regard. It does however, I think, reveal his reading of the objective of the Directive to be skewed towards family reunification regardless of contemporaneous indications of dependency, or lack of it, although EU law clearly recognises that emotional familial ties will not suffice. (See the Communication above).

41. Paragraph [38] of the judgment in *Rahman* takes the matter no further forward. The Grand Chamber confirm the discretion of member states to specify requirements of a genuine and stable dependency not brought about with the

sole objective of subverting immigration law. As indicated above, I do not consider the elements of consistency and continuity to be unreasonable requirements of a dependency in this context.

42. Mr de Mello's arguments in this case appear to have much in common with those advanced on behalf of the applicants in *Oboh* in that they amount to a submission that the difference in context between family members and beneficiaries as defined in articles 2 and 3 respectively of the Directive does not require a narrow definition of the threshold required to bring a person within article 3(2) nor therefore for it to be necessary to distinguish the nature and extent of the dependency. Beatson LJ giving the judgment of the Court in *Oboh* conceded that the '*inclusion of dependants makes the rationale of the policy less clearly focused*' but the '*emphasis*' of the Directive is on the elimination of obstacles of the Treaty rights of the Union citizen and the Court '*failed to see why a failure to accord preferential treatment to a dependent should constitute a disincentive to the EU national to set up residence in the host member state*." The judgment unequivocally confirmed that the policy of the Directive is not one of family reunion. (See also *Metock v Minister of Justice, Equality and Law Reform* [2009] QB 318.)

43. Also, as was the case for the applicants in *Oboh*, Mr de Mello can draw no support from the Advocate General's opinion in *Rahman* at paragraph [99]. Dealing with this submission this Court in *Oboh,* regarded the Directive to '*set the limits in the category of other family members who qualify for the preferential treatment*' in clear terms, and to correspond to that prescribed in regulation 8 of the implementing 2006 Regulations. It was intended to lay down a rule of general application. Exceptional cases would bring other legal principles into play, amongst them article 8 of the European Convention. There was no need to give the article a '*wider reading*' in order to comply with the underlying policy of the Directive, since it was unable to identify any policy which called for such and was '*permissible under established rules of interpretation in EU law*.'

44. In this case, reading the paragraph as a whole delivers a further blow to the reliance placed upon it by Mr de Mello, for the Advocate General stated that:

> '*If the dependency existed at the time of settlement in the host member state, but has been interrupted since then, the condition laid down by article 3(2) of Directive 2004/38 will not be satisfied*'.

45. Finally, I agree with Ms Smyth that Article 7 CFEU does not assist the Appellant in this case for the reasons I indicate in paragraph [30] above. In his written submissions Mr de Mello cites Case C-325/05 *Ismael Derin v Landkreis Darmstadt-Dieberg* as support for his argument that Article 7 requires a resumed cohabitation with or dependency upon the EEA national to be recognised as a continuing dependency, but

> that case concerned a family member who had joined his parents in the member state when a child and not an extended family member in the Appellant's circumstances. Mr de Mello's claim that this principle is re-affirmed as applicable to an extended family member in the case of *SM (Algeria) v Entry Clearance Officer* [2019] 1 WLR 5505 is somewhat ambitious. The case concerned a child adopted under the Kafala system. As the Advocate General concluded, automatic recognition in article 2(2) of the Directive would pose fewer difficulties, but the mechanism available whereby his entry could be considered in accordance with Article 3(2) respected his right to family life. The Grand Chamber determined that Article 7 must be read in conjunction with the obligation to take into consideration the best interests of the child. A competent national authority implementing the obligation to facilitate entry and residence would make a balanced and reasonable assessment of all the current and relevant circumstances in the case including the best interest of the child, including the age of the child when placed in the Kafala system, the time during which he lived with his guardians since placement and the closeness of the personal relationship that had developed. The unusual facts of that dependency bear no resemblance to the Appellant's case. The Appellant's circumstances considered objectively do not merit the conclusion that there is a 'genuine and stable' family life at stake.
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> 46. For these reasons, if my Lords agree, I would dismiss the appeal.

10. It is important to always bear in mind in a case of this nature that the foundation for the Directive is the protection of the right of free movement for an EU citizen. The status of the appellant's brother as an extended family member of his partner, the Polish national, was only confirmed as noted by the Judge in 2017. Even though he was in a relationship with his partner from 2015 he had no status in EU law prior to this time. It is indeed a feature of this appeal that there has never been any suggestion that the impact of the decision would be that the EU national or her partner would not continue to exercise her treaty rights in the UK if the appellant was refused the residence card.

11. That dependency is required upon the EEA national is a settled legal principle; see AA (Algeria) [2014] EWCA Civ 1741 meaning any payments made by the appellant's brother to the family in India whilst the appellant lived there were arguably irrelevant as they were not made at the relevant time as the appellants brother had not been recognised as a qualified person.

12. Mr Hingora's submission that had the brother been recognised as having the same status he acquired in 2017 based upon the fact the relationship started in 2015 from that date, it would mean it could be found the appellant was dependant upon an EEA national or family member is noted, but that is a claim without merit. As the Court of Appeal confirmed in Choudhury the conditions which extended family member are required to satisfy can be set out by the host Member

State. The United Kingdom government requires as proof of a durable partnership a couple living in a relationship akin to marriage for at least two years. It is when this period has been completed that the United Kingdom government accepts proof of the durable partnership/relationship. There is no legal basis for suggesting that status confirmed at the end of that period of qualification should somehow be retrospectively treated as being the situation which existed at the beginning of the relationship i.e. in 2015 in this appeal.

13. Another important point in the chronology is that the appellant had already entered the United Kingdom prior to the time her brother's status as an extended family member of an EEA national was facilitated in May 2017 when the relationship between the appellant's brother and EEA national was accepted.

14. It was not made out there was sufficient evidence before the Judge to show that any payments made prior to the appellant's entry to the United Kingdom were made by the EEA sponsor.

15. In relation to the assertion that the Judge failed to consider emotional dependency, the Judge was right to focus upon financial dependency as that was the claim being made by the appellant. In Jia Migrationsverket Case C -1/05 the European Court considered "dependence" under Article 1(1)(d) of Directive 73/148/EEC and said this was to be interpreted to the effect that "dependent on them" meant that members of the family of an EU national established in another member state within the meaning of Article 43 of the EC Treaty, needed the material support of that EU national, or his or her spouse, in order to meet their essential needs in the state of origin of those family members or the state from which they had come at the time when they applied to join the EU national. The Court said that Article 6(b) of the Directive was to be interpreted as meaning that proof of the need for material support might be adduced by any appropriate means, while a mere undertaking by the EU national or his or her spouse to support the family members concerned need not be regarded as establishing the existence of the family member's situation of real dependence.

16. In any event, even if emotional dependency was a relevant factor it would still have to be emotional dependency upon the EU national of which there was no evidence before the Judge the same existed whilst the appellant was in India. There is indeed comment that the first time the appellant and her brother's partner met was when the appellant came to the United Kingdom.

17. The assertion that the Secretary of State erred in not undertaking the required detailed factual investigation of the appellant circumstances is without merit. The application for a residence card was rejected as it was not accepted the appellant had satisfied the test to prove dependency on an EEA national, or at all. Had that been established by the Judge the appeal could be remitted to the decision-maker for further consideration of those matters in accordance with regulation 17(4). The ground is a criticism of the decision-maker rather than the Judge, for if the element of dependency had been proved it is arguable

that the Judge would only have been able to allow the appeal to the extent it was remitted to the decision-maker to consider the exercise of discretion having undertaken the required full factual investigation. As the Judge did not find dependency proved there was no requirement to do so.

18. Ground 4 is predicated on finding of legal error in the grounds 1 – 3 but such has not been established.

19. The grounds also assert legal error by the Judge in failing to assess the merits of the case on the basis that even if there was no evidence of dependency whilst the appellant was in India she had since she came to the United Kingdom and finished her studies been dependent upon and a member of the household of both her brother and her brother's partner in the UK. It was argued that that dependency alone should entitle the appellant to succeed.

20. I do not accept that submission. I accept that Rahman was not dealing with the situation where the appellant was already in the UK and the Court of Justice of the European Union in Rahman was not specifically asked to rule on this question, but I find it wrong to proceed as suggested on the basis the appellant only need to show dependency in the country in which she was at the date of application, the UK, in light of the specific wording of Article 3.2 and regulation 8 of the Regulations. There is clear reference in the Article that a person seeking a residence card as an extended family member needs to show dependency in "the country from which he has come" (my emphasis). The last country the appellant was resident in before she came to the UK was India. Whatever the arrangement may be in the United Kingdom there is a clear requirement for prior dependency or membership of EEA national's household in the country from which the appellant has travelled to the Member State. That was not made out in this appeal on any basis sufficient to satisfy the requirements of the Directive or Regulations

21. Having considered the issues with the required degree of anxious scrutiny, as the Judge did, I find no error of law made out sufficient to warrant the Upper Tribunal interfering in this matter any further. A perception from the analysis of the facts of this case is that rather than this being a case relating to genuine exercise of rights of free movement and the consequences for the same if application is refused, it is being used as a vehicle to try and enable the appellant to remain in the United Kingdom following her lawful leave as a student is expiring, when no legal basis permitting her to do so has been made out.

Decision

22. There is no material error of law in the Immigration Judge's decision. The determination shall stand.

Anonymity.

23. The First-tier Tribunal made an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

I make such order pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008. No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant. Failure to comply with this order could amount to a contempt of court.

Signed.....

Upper Tribunal Judge Hanson
Dated 18 October 2022