



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-003394
First-tier Tribunal No:
EA/00331/2023

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 27 November 2023

Before

UPPER TRIBUNAL JUDGE BLUNDELL

Between

JENO KALAMAR
(NO ANONYMITY ORDER MADE)

Appellant

and

ENTRY CLEARANCE OFFICER

Respondent

DECISION AND REASONS

1. I issued my first decision in this case on 17 October 2023. I allowed the Secretary of State's appeal and set aside the decision of the FtT, although I preserved the finding made by the FtT that the appellant was dependent upon his son, the sponsor.
2. The Senior Presenting Officer who represented who represented the Secretary of State at that hearing was Mr Terrell. He helpfully suggested that the sponsor might wish to provide evidence of his historical exercise of Treaty rights in the UK before the decision on the appeal was remade.
3. The sponsor duly provided that evidence by email and Mr Terrell undertook a review of the case. On 26 October 2023, he sent an email to the Upper Tribunal and the sponsor. It stated materially as follows:

Further to the Tribunal's direction found at paragraph 15(b) of its 28/09/2023 decision, I can confirm that the Respondent has had the opportunity to review the Appellant's evidence (attached). In light of that evidence, the Respondent no longer contests the appeal.

In short summary, the evidence submitted by the Sponsor suggests, on balance, that he was exercising treaty rights as a worker at and around the time he acquired British Citizenship and continued to do so into 2020/2021. The Respondent is content to accept that he is a relevant naturalised British Citizen within the meaning of Appendix EU-FP. As a

consequence and given the FtT's unchallenged findings regarding dependency, the appeal should succeed under the Rules.

4. On 31 October 2023, therefore, I issued a further direction to the parties in which I indicated that I was minded to allow the appeal without a hearing (under rule 34) unless either party objected that course by 4pm on 3 November.
5. It has been confirmed to me today that there has been no objection to that course of action. In the circumstances, I allow the appeal on the basis that the appellant is entitled to succeed under Appendix EU (FP) of the Immigration.

Notice of Decision

The decision of the FtT having been set aside, the decision on the appeal is remade by allowing it.

M.J.Blundell

Judge of the Upper Tribunal
Immigration and Asylum Chamber

17 November 2023