



**IN THE UPPER TRIBUNAL**

Case Nos: UI-2023-003563  
& UI-2023-003564

**IMMIGRATION AND ASYLUM CHAMBER**

First-tier Tribunal Nos: EA/07587/2022  
& EA/07588/2022

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**

On 20<sup>th</sup> October 2023

Before:

UPPER TRIBUNAL JUDGE GILL

Between

Master Bliss Osei Frimpong  
Master Earl Nana Marfo Frimpong  
**(ANONYMITY ORDER NOT MADE)**

Appellants

And

The Secretary of State for the Home Department

Respondent

**Representation:**

For the Appellant: Mr C Rahman  
For the Respondent: Mr C Avery

Heard at Field House on 20 October 2023

**DECISION AND REASONS**

1. The appellants are nationals of Ghana. Their appeals were heard with the appeal of their mother, Ms Constance Adu (EA/07589/2022), at a combined hearing before Judge of the First-tier Tribunal S J Clarke.
2. Judge Clarke dismissed all three appeals.
3. Judge of the First-tier Tribunal Dainty granted the appellants permission to appeal to the Upper Tribunal in a decision dated 15 August 2023. In a separate decision of the same date, Judge Dainty refused permission to appeal in the case of Constance Adu.
4. The administrative staff of the Upper Tribunal mistakenly listed the appeals of the appellants with the “*appeal*” of Ms Constance Adu.
5. In fact, there is no appeal before the Upper Tribunal by Ms Constance Adu.

6. I deal separately with Ms Constance Adu in a document with the heading: *“Application for permission to appeal”* dated today's date.
7. The instant decision deals with the appeals of the appellants.
8. At the hearing, Mr Avery conceded that Judge Clarke had materially erred in law in dismissing the appeals of the appellants on the basis of her finding that they had not established that they had been dependent on their EEA-sponsor for their essential needs. As they were under the age of 21 years and as the respondent had accepted that they were the direct descendants of the EEA-sponsor, their appeals should have succeeded.
9. Mr Avery therefore agreed that I should set aside the decision of Judge Clarke to dismiss the appeals of the appellants and that I should allow their appeals.
10. I agree with Mr Avery that Judge Clarke materially erred in law for the reasons that Mr Avery gave which I adopt. I therefore set aside her decision to dismiss the appeals of the appellant.
11. For the reasons given at para 8 above, I re-make the decision on the appellants' appeals by allowing their appeals against the decisions of the respondent of 14 July 2022 to refuse their applications for entry clearance.

### **Decision**

The making of the decision of the First-tier Tribunal involved the making of errors of law sufficient to require it to be set aside.

I re-make the decision on the appeals of the appellants by allowing their appeals against the respondent's decisions dated 14 July 2022.

Signed  
Upper Tribunal Judge Gill

Date: 20 October 2023

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#### **NOTIFICATION OF APPEAL RIGHTS**

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:
2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically)**.
3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically)**.
4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically)**.
5. A “working day” means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.
6. The date when the decision is “sent” is that appearing on the covering letter or covering email