



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

**Case No.:** UI-2023-004753  
**UI-2023-004754**  
**First-tier Tribunal No:**  
**HU/5850/2022**  
**HU59851/2022**

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On the 15 December 2023**

**Before**

**DEPUTY JUDGE OF THE UPPER TRIBUNAL McCARTHY**

**Between**

**MMK**  
**FMK**  
**(ANONYMITY DIRECTION MADE)**

Appellant

**and**

**ENTRY CLEARANCE OFFICER - SHEFFIELD**

Respondent

**Representation:**

For the Appellant: Mr R Spurling, instructed by Times PBS  
For the Respondent: Ms H Gilmour, Home Office Presenting Officer

**Heard at Field House on 8 December 2023**

**Order Regarding Anonymity**

**Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellants and any member of their family is granted anonymity. Failure to comply with this order could amount to a contempt of court. No-one shall publish or reveal any information, including the name or address of the appellants, likely to lead members of the public to identify the appellants or any member of their family.**

## **DECISION AND REASONS**

1. The appellants appeal with permission granted by First-tier Tribunal Judge Hollings-Tennant, against the decision of First-tier Tribunal Judge Chana, that was promulgated on 13/09/2023.
2. This was a hybrid hearing at the request of the Presenting Officer. There were no connectivity difficulties.
3. At the start of the hearing, Ms Gilmour informed me that the ECO no longer opposes the appeal because it is accepted there are contradictory findings in the decision regarding whether family life existed between the appellants and sponsor.
4. The parties agreed that the appeal needed to be remitted to the First-tier Tribunal for a fresh hearing and nothing is preserved from the
5. The parties agreed that the appeal needed to be remitted to the First-tier Tribunal for a fresh hearing and nothing is preserved from the appealed decision.

### Notice of Decision

The decision under appeal contains legal error and is set aside.

I remit the appeal to be heard afresh in the First-tier Tribunal by a judge other than Judge Chana.

Judge John McCarthy

Deputy Judge of the Upper Tribunal

Date: