



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: HU/00560/2016

THE IMMIGRATION ACTS

Heard at Field House
On 30 July 2018

Decision & Reasons Promulgated
On 22 August 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE HUTCHINSON

Between

MR RAMESH GURUNG
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms E Lagunju, Counsel instructed by Howe & Co Solicitors
For the Respondent: Mr N Bramble, Senior Home Office Presenting Officer

DECISION AND REASONS

Background

1. In an error of law and directions decision, issued on 15 June 2018, the Upper Tribunal found an error of law and set aside the decision of the First-tier Tribunal, promulgated on 13 September 2017, dismissing the appellant's appeal on human rights grounds. That decision is appended to this decision.

2. As set out in the error of law decision, the appellant is a citizen of Nepal now aged 33 who originally appealed to the First-tier Tribunal against the decision, dated 8 September 2015, of the respondent Entry Clearance Officer to refuse the appellant entry clearance to join his father, Kul Bahadur Gurung, for the purposes of settlement.
3. It is undisputed in this case that the appellant's father, the sponsor in this case who gave oral evidence before me, served as a Gurkha soldier, enlisting in 1974 and being honourably discharged after fifteen years of service on 29 May 1989, his postings including, amongst others, service in New Zealand, the Falklands and Belize. This service is noted as exemplary. The sponsor has consistently maintained and restated before me that he would have applied for settlement to the UK with his wife and his three dependent children at the time had he had the opportunity to do so.
4. Following a change in the law the sponsor, the appellant's father, was granted indefinite leave to enter the UK on 25 October 2006, the appellant's mother being granted indefinite leave to enter on 21 May 2007 (the appellant's mother entering on 23 March 2008). The appellant made his first application to enter the UK in or around the same time and such is not disputed. However, this was refused on 21 May 2007 on the grounds that there were no exceptional or compassionate circumstances in the case, such requirements having now been removed following further changes in the law. The appellant has two adult siblings who have both been granted entry clearance to the UK, his sister having been granted settlement on the basis of marriage to a British citizen. His brother was granted entry clearance following an appeal to the First-tier Tribunal.
5. I had before me the respondent's bundle in the usual form. In response to my direction the appellant's representatives provided a bundle containing the documents before the First-tier Tribunal together with further evidence relied on including an updated statement from the sponsor and an additional letter from the appellant. Although the appellant's representatives purported to provide the Upper Tribunal with a copy of the First-tier Tribunal's decision allowing the appellant's brother's appeal, only part of this decision was provided in the additional bundle of documents. Regrettably the appellant's representative had not rectified this error prior to the hearing and was unable to do so despite attempts on the day. As I indicated at the hearing, I agreed with the consent of the parties to allow Ms Lagunju to submit a full copy of the appellant's brother's determination within 48 hours, by the end of the close of business on Wednesday, 1 August 2018. This was to be copied to Mr Bramble. Mr Bramble was then given until close of business on Monday, 6 August 2018 to provide any additional submissions and it was agreed that the Tribunal would proceed to reach its decision if nothing further was received. As I received no further information or evidence I proceeded to reach my decision. It was not contended by either party that anything turns on the missing pages of the decision, which were to be provided for the sake of completeness. I was satisfied that I could proceed to remake the decision on the basis of the evidence before me.
6. The sponsor, Kul Bahadur Gurung, gave evidence with the assistance of a Nepali interpreter and confirmed to the Tribunal that he understood the interpreter. His

evidence is set out in full in the Record of Proceedings. In summary he gave evidence in a relatively straightforward manner and did not waiver under cross-examination, despite some difficulties identified with the money transfer receipts provided in the consolidated bundle. The sponsor was cross-examined at some length on these points, but I note that Mr Bramble did not maintain any credibility challenge in relation to these or any other issues or any of the evidence given by Mr Kul Bahadur Gurung. I found the sponsor to be a credible witness; his evidence was of assistance to me.

The Law

7. It is not in dispute that this appeal can only be considered under Article 8 and relevant policy. It is common case that prior to 1997 veterans of the brigade of Gurkhas were denied the opportunity for settlement and that this has been found to be an historic injustice. It was not until a further policy was introduced in 2009 that the first opportunity was provided for all adult children to apply for entry clearance, with this policy being amended in 2015, to remove the requirement for exceptionality in light of the Court of Appeal decision in **Gurung [2013] 1 WLR 2546**.

Article 8

8. I have considered the five stage test in **R (Razgar) v Secretary of State for the Home Department [2008] 2 AC 368**. It is settled law that the Article 8 rights of the entire family must be considered.
9. Mr Bramble conceded that, in light of the historic injustice, if I was satisfied that the appellant continues to enjoy family life and was dependent on the sponsor then the appeal succeeds. That has to be the case.
10. Although I have had due regard to Section 117 of the Nationality, Immigration and Asylum Act 2002, the public interest considerations (and I take into consideration that Section 117B represents the ordinary interest of immigration control (**Dube (ss. 117A-117D) [2015] UKUT 90**) I have also considered that the Court of Appeal in **Rai [2017] EWCA 320** confirmed that whilst the Tribunal must have regard to Section 117B, it was correct that given the historic injustice such considerations, in themselves, would not make an adverse difference to the outcome. I have also considered that as considered in **Ghising and others (Ghurkhas/BOCs: historic wrong: weight) [2013] UKUT 00567 (IAC)**, a bad immigration history/criminal behaviour may tip the balance in the respondent's favour but that if all that is relied on in the public interest, are the interests of immigration control, the weight to be given to the historic injustice will normally require a decision in the appellant's favour. Mr Bramble confirmed that there was no criminal behaviour nor poor immigration history relied on in the appellant's appeal.
11. The question to be decided by this Tribunal therefore, is whether or not family life exists. In considering this question, I must consider the evidence as it exists at the date of the hearing. I have considered all the evidence, both documentary and oral, even if not specifically cited below.

12. The appellant was born on 11 January 1985. I take into account but that for the historic injustice therefore, and I accept the sponsor's evidence on this point, the appellant would in all probability have moved to the UK when he was a few years old. I further accept, and it was not disputed, that at the time of the sponsor's discharge, the appellant was living in Nepal with the sponsor and his family.
13. At the time the sponsor was granted indefinite leave to enter the UK on 25 October 2006, the appellant was already an adult. However, I accept the consistent evidence before me that he remained at that time dependent on his father, both emotionally and financially. Indeed, this is supported by the fact that the appellant applied, unsuccessfully because of policies at the time, for entry clearance as his father's dependant. This application was refused on 21 May 2007. However, I take into account the unchallenged evidence, including of the sponsor, that in Gurkha culture unmarried children remain the responsibility of their parents and that apart from a three year period when the appellant worked in the UAE the appellant was, and continues to be, wholly dependent on the sponsor and his wife.
14. I take into consideration that it is not disputed that the appellant travelled to the United Arab Emirates and worked there between 2012 and 2015. However, I also take into consideration the consistent oral and documentary evidence that the appellant became unwell whilst in the UAE. The evidence before me includes a money transfer (at page 185 of the appellant's bundle) which I accept on the balance of probabilities shows that the sponsor transferred money to the appellant in the UAE in February 2015. This is consistent with the sponsor's oral and documentary evidence that although the appellant was initially able to support himself in Dubai he became unwell and needed assistance including in paying for his medical treatment, which the sponsor provided.
15. I accept the consistent evidence that the appellant then returned to Nepal where he has continued to live in accommodation paid for by the sponsor and that he has not been able to obtain employment since that date. I further accept the consistent oral evidence of the sponsor that the appellant has tried to get employment, both in hotels and as a security guard but has been unsuccessful. The fact that it is documented that the appellant had to travel to the UAE to obtain the only employment that he has held to date, in my view supports the overall claim that he has been unable to obtain work in Nepal.
16. I accept the sponsor's evidence that the appellant is currently studying in Nepal, including English, and that it is the sponsor who pays for these studies through the remittances that he regularly sends to his son.
17. I am satisfied therefore that the appellant has been and continues to be dependent on his parents for all his financial needs apart from the period when he was in the UAE. I am not satisfied that such dependence was broken; even though the appellant was an adult at the time and in employment in another country it was his father he turned to to pay for medical bills and to again support him when he was no longer able to work in the UAE.

18. In the alternative that I am wrong in the above and the appellant was no longer dependent on his parents during this period in UAE, I am satisfied that the financial and emotional dependency resumed in 2015 and has continued to date. Mr Bramble was unable to make any significant or substantive submissions that might counter such a finding. There were also before me a large number of Viber messages which supported the sponsor's evidence, and indeed the written evidence of the appellant, that he continues to be in regular contact both by phone and by electronic means with his family. I further accept that because the sponsor is financially responsible for his family he has not been able to visit his son, although the appellant's mother has visited including in 2015/16.
19. Although, therefore, the appellant has made attempts to become independent, including moving to the UAE and prior to that in obtaining qualifications and training including in food preparation and food service, I accept the consistent evidence that he requires both the financial and emotional support of his family and has continued to do so, both prior to going to the UAE and after returning to Nepal.
20. In reaching these findings I have considered in the round that, as identified by Mr Bramble, there are a number of mistakes including dates on the transfers provided in the consolidated bundle. However, I am satisfied, as indicated above, that the sponsor provided a reasonable explanation for these errors and I do not attach any adverse inference. I am satisfied that these documents can be relied on as evidence of regular financial transfers from the sponsor to the appellant. As also indicated above, Mr Bramble, following close questioning on this matter, did not actively pursue this line of argument.
21. In deciding whether family life exists, the test remains as to whether "something more exists than normal emotional ties" (**Kugathas v SSHD** [2003] EWCA 31). Relevant factors include who the relatives are, the nature of the relationship, age, where and with whom the appellant has resided in the past and the nature of contact. I accept that in order to establish family life, it is not necessary that the support is indispensable, which it is unlikely to be in an appellant of this age.
22. I must consider the nature of these ties in light of the Court of Appeal guidance in **Rai**, including its endorsement at paragraph 36 of Sedley LJ's opinion in **Kugathas** that dependence means support which is real or committed or effective. Attainment of the age of majority in itself does not mean that family life has ended and in this case I have given weight to the fact that family life has continued in the accommodation which the sponsor provides for the appellant. I rely on my findings as to dependency. The oral evidence and the evidence of regular financial transfers, together with the evidence of communication, satisfies me on a balance of probabilities that there is real, committed and effective support by the appellant's father (and mother) of the appellant.
23. In conclusion therefore I am satisfied that family life existed both at the time of departure of the sponsor from Nepal and has continued to do so (or in the alternative if there was any break in family life the appellant, through his financial dependency on his parents and emotional dependency, not least because of his then illness and

inability to work and that he was forced to return to Nepal, again enjoyed family life with his parents, for the purposes of Article 8, since 2015).

24. The question is not therefore whether or not the appellant can work (although I am satisfied on balance that he has been unable to obtain employment). The question is whether he is in receipt of real, committed or effective support and I am satisfied that the evidence clearly demonstrates that this is the case.
25. I am satisfied that the respondent's refusal interferes with that family life and that such interference is sufficiently serious to potentially engage Article 8. Such interference is in accordance with the law and for the legitimate purposes of maintaining effective immigration control. I therefore turn to the final question in **Razgar**, whether the interference is proportionate.
26. As indicated above, I am not satisfied that any Section 117B considerations would make an adverse difference to the outcome. I have also considered that there is no adverse immigration history or criminal behaviour that could tip the balance in the respondent's favour. I am satisfied that on the basis of the evidence before me the appellant's case is both compelling and exceptional. I rely on Mr Bramble's indication that if family life and dependency was established the appellant's appeal must succeed. I am satisfied that that must be the case.

Summary

27. The decision of the First-tier Tribunal contains an error of law and is set aside. I remake the decision allowing the appellant's appeal.

No anonymity direction was sought or is made.

Signed

Date: 10 August 2018

Deputy Upper Tribunal Judge Hutchinson

TO THE RESPONDENT **FEE AWARD**

As adequate evidence was only produced on appeal, I make no fee award.

Signed

Date: 10 August 2018

Deputy Upper Tribunal Judge Hutchinson

APPENDIX



IAC-FH-CK-V1

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

Appeal Number: HU/00560/2016

THE IMMIGRATION ACTS

**Heard at Field House
On 5 June 2018**

Decision & Reasons Promulgated

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Before

DEPUTY UPPER TRIBUNAL JUDGE HUTCHINSON

Between

**MR RAMESH GURUNG
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

ENTRY CLEARANCE OFFICER - NEW DELHI

Respondent

Representation:

For the Appellant: Ms E Laguniu, Counsel, instructed by Howe & Co Solicitors

For the Respondent: Mr N Bramble, Senior Home Office Presenting Officer

DECISION ON ERROR OF LAW AND DIRECTIONS

Background

1. The appellant is a citizen of Nepal aged 33. He appealed to the First-tier Tribunal against the decision, dated 8 September 2015, of the respondent Entry Clearance Officer, to refuse the appellant entry clearance to join his father, Kul Bahadur Gurung, for the purposes of settlement. It is not disputed that the appellant is the adult son of a former Gurkha soldier. On 25 October 2006 the sponsor, the appellant's father, was granted indefinite leave to enter the UK following a change in the respondent's Gurkha

policy. The appellant's mother was granted indefinite leave to enter on 21 May 2007 and entered the UK on 23 March 2008. Again, it was not disputed that the appellant made his first application to enter the UK in or around the same time. The appellant's first application to enter the UK was refused on 21 May 2007 on the grounds that there were no exceptional or compassionate circumstances in the case.

2. The appellant has two adult siblings, who both have been granted entry clearance in the UK; it would appear that the appellant's brother was granted entry clearance to join their father following an appeal, and his sister was granted settlement on the basis of her marriage to a British citizen.
3. Again, it is not disputed that the appellant lived with his parents in the family home in Nepal until the departure of his father in 2006 and his mother in 2007. Between 2007 and 2012 in Nepal he lived in rented accommodation paid for by his parents. In 2012 the appellant moved from Nepal to the United Arab Emirates where he lived and worked for three years, returning to Nepal in 2015 and has since been living in accommodation paid for by his parents.
4. In a decision promulgated on 13 September 2017, Judge of the First-tier Tribunal M R Oliver dismissed the appellant's appeal on human rights grounds. The appellant appeals with permission on the following grounds:

Ground 1 - alleged failure to provide adequate reasons and/or procedural unfairness in relation to the finding of no family life prior to the sponsor's departure from Nepal.

Ground 2 - alleged erroneous approach as to whether the appellant had demonstrated real, effective or committed support.

Error of Law Hearing

5. Ms Laguniu submitted that the judge appeared to have misunderstood the financial information before him and failed to make adequate findings including in relation to family life. There was no adequate finding in relation to the evidence before the judge as to financial dependence on the sponsor and at [20] the judge rejected the appellant's evidence that he was unable to find work since returning from the United Arab Emirates and the judge had given no adequate reasons for rejecting the sponsor's account on this point. In addition, the judge erred in stating that the appellant had not shown that he could not support himself, which was not the relevant test.
6. Mr Bramble submitted that all he was going to say was that there were sufficient reasons given at [20] to [22] to justify the outcome. It was Mr Bramble's submission that the judge had in mind the Court of Appeal case in **Rai v ECO, New Delhi [2017] EWCA Civ 320**, which the judge cited at [12] of the decision and [19]. Mr Bramble submitted that the decision stood or fell on the judge's findings that the appellant had been able to move to the UAE and work and support himself for three years. This was the starting point for the findings of the First-tier Tribunal. The judge went on to look at the evidence since the appellant's return from the UAE and was not satisfied that

there was real, committed or effective support. It was Mr Bramble's submission that this case was unique, primarily because of the break in the UAE and the fact that the appellant had been able to support himself then; there was no evidence, for example, of payments made to the UAE from the sponsor, suggesting that the appellant had been able to support himself.

7. In reply Ms Laguniu submitted that the First-tier Tribunal was wrong not to go beyond the appellant's stay in the UAE and the judge had made no adequate findings as to the appellant's situation in Nepal subsequent to the UAE, in spite of the evidence of continued financial and emotional support and the fact that the appellant continued to live in the parents' home. It was her submission that family life did not stop simply because the appellant moved to the UAE. The judge also failed to engage with whether or not there was family life on return.

Findings - Ground 1

8. There was evidence before the judge, including from the sponsor, that the sponsor had lived in the family home with his family prior to the sponsor coming to the UK in 2006 and that prior to his departure the appellant was entirely dependent on the sponsor and his wife for his accommodation, maintenance and education. At the date of the sponsor's departure from the UK the appellant was 21 years of age. The sponsor in his witness statement at paragraph 10 explains that an application was made for the appellant to join family in the UK and the refusal was not appealed because they did not really know the procedure and at the time many Gurkha children were being refused and it seemed pointless to carry on. There was no challenge to that evidence.
9. The appellant was 22 when his application was refused. The respondent at that stage was not satisfied that he was not living an independent life. However, the sponsor in his witness statement disputed such a finding and noted that they had decided that the appellant would continue his education in Nepal and that the sponsor would continue supporting him "as I have always done". The sponsor relied on the fact that in Gurkha culture unmarried children remain the responsibility of the parents.
10. In light of that evidence, and there were no adequate findings to suggest that the sponsor was anything other than a credible witness, there was no adequate reasoning for the judge's conclusion that the appellant had failed to show that he enjoyed family life "for four years with his parents above that normal between children and adults (**Kugathas v SSHD [2003] EWCA Civ 31**) before they left Nepal". Although I accept that the refusal of entry clearance in 2007 notes that the Entry Clearance Officer was then not satisfied that the appellant was not living an independent life, the judge did not specifically engage with that decision and, as already noted, the sponsor's witness statement evidence would not be consistent with such a finding. I am not satisfied that the judge gave adequate reasoning for reaching the conclusion he did that there was no family life at the date the parents left Nepal.
11. In considering family life, the starting point remains that 'something more exists than normal emotional ties' (**Kugathas`**). Relevant factors include who the relatives are, the nature of the links, where and with whom the appellant has resided in the past and

the nature of the contact. It is not necessary for that support to be indispensable, which is unlikely to be the case for someone the appellant's age (see **Patel v Entry Clearance Officer (Mumbai) [2010] EWCA Civ 17**). The nature of the ties must be considered in light of the Court of Appeal guidance in **Rai v Entry Clearance Officer, New Delhi [2017] EWCA Civ 320**.

12. There is also some force in the argument that the judge did not put any concerns to the sponsor in relation to his evidence about family life prior to the sponsor's departure from Nepal and I take into consideration that it was not disputed that the sponsor was found to be a credible witness by the Tribunal in relation to his younger son's appeal. In addition, it was not disputed that the appellant and his brother lived with their mother as part of the family unit until she came to join the sponsor in 2007. I find that the judge erred in law in respect of ground 1. Whilst such would not be material if the judge's findings in relation to there being no family life now were unchallengeable, I do not find this to be the case.

Ground 2

13. Mr Bramble was unable to meaningfully defend the judge's approach to the evidence before him including the financial evidence. It was the unchallenged evidence of the sponsor that the appellant was unemployed and had been since returning from the UAE in 2015. The sponsor gave oral evidence which the judge recorded at [9] that the appellant had got a job in the UAE because of his good command of English and had worked as a supervisor but that on return to Nepal he had been unable to find work. He had studied management and had no other qualifications.
14. Although there was reference in the appellant's grounds of appeal to him having a carer at home to help him with his daily chores the judge failed to adequately address the evidence of real, committed or effective support. This included evidence of financial support on which the judge made no adequate findings. The judge found at [10] that

"the sponsor's bank statements contained evidence of transfers involving accounts associated in the appellant's name, but it was not explained why there were not only debits in the appellant's favour but also substantial credits. Additionally he submitted evidence of remittances through agencies".
15. Although Mr Bramble submitted that this was not a finding, in effect the judge summarised his findings in stating at [21] that he could "find no other reason to think that he now enjoys that degree of family life with his parents". The judge went on to find at [22] that the "support he receives from his parents is not real, committed or effective" as the appellant had not shown that he could not support himself in an independent way as he had done before. However, it was not specifically disputed by Mr Bramble that the judge had made an error of fact in that the credits in the sponsor's account were from the appellant's brother and not the appellant. Although Ms Laguniu was unable to identify specifically the transfers to the appellant, it was not disputed there was evidence of remittances from the sponsor.

16. In addition, in assessing the level of financial dependence, again, the judge failed to give any adequate reasons why he disbelieved the sponsor's account that the appellant had been completely financially dependent on him since returning from the UAE and that he was dependent on his father for accommodation. This also had to be considered in light of the evidence of the difficult economic situation in Nepal. There is also the evidence of the appellant's ill health. Although the judge noted that the last of the documents in relation to his health were dated June 2015, again, there were no adequate findings which might assess how the appellant's ill health at that date might have impacted on claimed dependency on his parents.
17. In terms of emotional ties the sponsor maintained that he remains emotionally close to his son and this was materially supported by the evidence of regular communications in the appellant's bundle. Although the judge referred to this evidence at [7] he failed to make any findings including why he rejected such evidence if that indeed was the case in terms of his family life analysis.
18. It was the sponsor's unchallenged evidence that the appellant was unmarried and had not formed an independent family unit and, as noted above, the sponsor specifically referred to the role of Gurkha culture in such a situation. **AA v the UK [2012] Imm AR 1** confirmed the relevance of residence in considering family life. It was the sponsor's consistent evidence that all the appellant's close family were now in the UK and that although he had extended family in Nepal they lived in a remote part of the country and were not close to the appellant; again, the judge failed to make adequate findings as to how this impacted on whether there was real, committed or effective support.
19. In addition, the judge drew adverse inference from the relative paucity of face to face visits between the appellant and his family: the appellant's father not visiting (again, it had been his undisputed evidence that he needed to remain in the UK to support his family) and only a few visits from his mother. It is settled law that voluntary separation does not in itself end family life (**NV (Netherlands) [2003] EHRR 7**). Such an assessment ought to have taken into consideration all the factors including the sponsor's explanation as to why he was unable to travel to Nepal and the continued claimed financial dependence and close emotional ties. In addition, there were no adequate reasons as to why the judge rejected, if he did, the relevance of the historic injustice, as highlighted again in **Rai v Entry Clearance Officer, New Delhi [2017] EWCA Civ 320**, at [42]. Although the judge directed himself in relation to **Rai**, as set out in **ECO, Mumbai v NH (India) [2007] EWCA**, it is of utmost relevance as to the choice faced by a family in those circumstances as to whether to take up entry clearance in the UK or remain with their children in Nepal. It is of relevance that the appellant applied at the same time as his parents applied but Mr Bramble accepted that the exceptionality requirement was still in place and it is significant that the first opportunity for the appellant to apply was in 2015 after this requirement was removed under the respondent's IDI Chapter 15, Section 2A, Annex K policy.
20. I am satisfied therefore that the judge erred in relation to the second ground and that both grounds are material.

21. I had initially been disposed to remake the decision on the available evidence. However, Ms Laguniu wished to call evidence from the sponsor and the appellant's brother and had, regrettably, failed to request a Nepali interpreter for that purpose. In addition, the appellant's representative failed to comply with directions in relation to submitting any further evidence relied on. Mr Bramble had no objection to a short adjournment to allow further evidence to be produced.

Notice of Decision on Error of Law

22. The First-tier Tribunal's determination contains an error of law capable of affecting the outcome of the appeal and is set aside. The decision on the appeal will be remade by the Upper Tribunal, following a hearing on Monday 30 July 2018.

Directions

- (a) The appellant is to file and serve a consolidated bundle of evidence so that it is received no later than 6 July 2018. The bundle is to separately tabulate: (i) the evidence relied upon before the First-tier Tribunal; and, (ii) the additional evidence that it is now sought to rely upon before the Upper Tribunal.
- (b) The Tribunal would be assisted by the appellant and the appellant's brother sponsor giving oral evidence at the hearing and it is anticipated that the aforementioned bundle will include updated witness statements from both, to stand as their evidence-in-chief. These should address the relevant issues including in relation to financial remittances throughout the period since the sponsor left Nepal.
- (c) The Tribunal notes that there was no witness statement before the First-tier Tribunal from the appellant. The Tribunal would be assisted by such evidence including to clarify the issues in dispute including as to his financial/other support in UAE and his occupation and support since returning to Nepal. The Tribunal notes reference to the appellant having a carer and, again, the Tribunal would be assisted by further evidence in this regard.
- (d) The appellant's representatives are directed to provide a copy of the decision of the First-tier Tribunal allowing the appellant's brother's appeal.
- (e) The Secretary of State is to file and serve, no later than 20 July 2018, any evidence relied upon that is not contained within the bundle he relied upon before the FtT.

Any failure to comply with these directions may lead the Tribunal to exercise its powers to decide the appeal without a further oral hearing, or to conclude that the defaulting party has no relevant information, evidence or submissions to provide.

No anonymity direction is sought or made.

Signed

Date: 15 June 2018

Deputy Upper Tribunal Judge Hutchinson