

ENGLAND AND WALES / JUDGMENT

Mazel Richa de Sousa v The Entry Clearance Officer

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First-tier Tribunal (Immigration and Asylum Chamber) Appeal Number: EU/50909/2024 THE IMMIGRATION ACTS Heard at Hatton Cross On 9 September 2026 Before FIRST-TIER TRIBUNAL JUDGE IQBAL Between MAZEL RICHA DE SOUSA (No Anonymity Order Made) and THE ENTRY CLEARANCE OFFICER Appellant Respondent Representation: For the Appellant: For the Respondent: Mr Bellara, Counsel No Home Office Presenting Officer DECISION AND REASONS 1. 2. This is the decision of the Tribunal in the appeal of the Appellant against the decision of the Respondent made on 17 January 2024. Anonymity Direction In respect of the Appellant, I find that no anonymity order is appropriate as such direction can only be made when public knowledge of the person's case may impact on that person's protected rights as there is no evidence or submissions that any public knowledge of the Appellants or their case may impact on that person's protected rights. © CROWN COPYRIGHT 2026 Appeal number: EU/50909/2024

Background

3. The Appellant applied on 3rd October 2023 for an EU Settlement Scheme (EUSS) Family Permit as a dependent child over the age of 21 of a relevant EEA citizen. 4. The Respondent refused the application on the basis that:
 - (a) the Appellant had not provided sufficient evidence to establish the claimed relationship with the relevant EEA citizen and therefore had not demonstrated that she was a family member of a relevant EEA citizen; and
 - (b) the Appellant had not provided sufficient evidence to demonstrate dependency upon the relevant EEA citizen as required by Appendix EU (Family Permit). The Hearing 5. 6. 7. The hearing proceeded face to face and was recorded on the Cloud Video Platform, which constitutes the official record of proceedings. The Respondent was not represented. The appeal was listed on the standby/float list and was considered suitable to proceed in the absence of a Presenting Officer. Having considered rule 28 of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014, I was satisfied that the Respondent had been given notice of the hearing and had the opportunity to attend or be represented had they wished to attend. I was therefore satisfied that it was in the interests of justice to proceed in the Respondent's absence. The Sponsor, who is the Appellant's father, gave oral evidence in English. I explained the hearing procedure to him. He adopted his witness statement as his evidence in chief and gave additional oral evidence on a number of

matters arising from the Respondent's decision and review. In reaching my findings, I have considered both his oral and written evidence. Principal Controversial Issues 8. 9. The Respondent's review dated 23rd July 2025 materially narrowed the issues in dispute. The Respondent accepted that the reasons relied upon in the refusal decision concerning the familial relationship between the Appellant and the Sponsor were no longer maintained. The Respondent noted that whilst the initial application had not included sufficient evidence to establish the claimed relationship, the Appellant had subsequently produced her birth certificate which names the Sponsor as her biological father. The Respondent was therefore satisfied that the Appellant is the daughter of the Sponsor and meets the definition of a "family member of a relevant EEA citizen" in accordance with Appendix EU.

10. Accordingly, the Appellant's relationship to the Sponsor is no longer in dispute.
11. The sole issue for determination is:
 - (a) Whether the Appellant is a dependent family member of a relevant EEA citizen and therefore meets the eligibility requirements of Appendix EU (Family Permit) Appeal number: EU/50909/2024
12. More specifically, the question for determination is whether the Appellant was dependent upon the Sponsor for her essential living needs at the relevant date and continues to satisfy the dependency requirements of Appendix EU (Family Permit). Evidence
13. The evidence before me comprised a stitched bundle of 431 pages. 14. In addition, there was further late evidence that the Appellant had uploaded in the form of expenditure screenshots on 4th September 2026 and a supplementary bundle on 3rd September 2026 consisting of 62 pages. The supplementary bundle included a number of documents already contained within the original bundle uploaded to the Tribunal portal.
15. During discussions, Mr Bellara submitted that the additional documents were largely unnecessary, given that the evidence already before the Tribunal adequately addressed the sole issue in dispute, namely dependency. I noted that the documents had been submitted shortly before the hearing, the Respondent had not been afforded an opportunity to consider them and a number of the documents duplicated material already contained within the main bundle. 16. In those circumstances, and having regard to the overriding objective, the relevant Practice Directions and the Tribunal's case management powers under the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014, I was satisfied that it was neither necessary nor in the interests of justice to admit the late- filed material. I therefore declined to admit the supplementary bundle and the additional screenshots into evidence.

Legal Framework

17. The grounds of appeal available to the Appellant are that the Respondent's decision either does not comply with the Immigration Rules relating to the EU Settlement Scheme or does not comply with the Withdrawal Agreement between the United Kingdom and the European Union. The relevant provisions are contained within Appendix EU and Appendix EU (Family Permit) to the Immigration Rules. Findings
18. The Respondent's review appropriately narrowed the issues in dispute. The Respondent accepted that the Appellant is the daughter of the Sponsor and therefore satisfies the definition of a family member of a relevant EEA citizen under Appendix EU. The sole issue is whether the Appellant has demonstrated dependency upon the Sponsor. 19. In assessing that issue, I have considered the evidence in the round, including the documentary evidence and the Sponsor's oral evidence. I found the Sponsor to be a credible witness. His oral evidence was consistent with his witness statement dated 30th January 2025, the declaration provided in support of the application dated 4th October 2023 and the documentary evidence contained within the bundles. 20. I note that in his declaration of 4th October 2023, the Sponsor stated that his accommodation in the United Kingdom was suitable for both his wife and daughter. That is consistent with his oral evidence that applications were made together for both Appeal number: EU/50909/2024 his wife and the Appellant to join him. He further explained that whilst his wife had been granted entry clearance, the Appellant's application was refused. The Sponsor's evidence was that his wife therefore remained in India with the Appellant pending the resolution of this appeal. I find this chronology of events to be consistent with the Sponsor's account that the family continues to operate as a single-family unit notwithstanding their physical separation and that his daughter and wife continue to live together. I have also taken account of the Appellant's statement dated 30th December 2024. In that statement she explained that she had completed a Master's degree in Arts specialising in English but had not secured permanent employment. She stated that her mother is a housewife and financially dependent upon her father for all expenses and likewise as she was not working and living with her mother that she remained financially dependent upon her father for her daily living expenses. I note that the Respondent's principal concern in the review was that whilst money transfers had been demonstrated, there was insufficient evidence that those funds were directed towards the Appellant's essential living needs. The Respondent also questioned the utility bills relied upon by the Appellant as they named another individual and therefore considered there to be insufficient corroboration of the Sponsor's explanation. 21. 22.
23. The Sponsor was consistent in his explanation both in his witness statement and oral evidence before me that the utility accounts remained in the name of his late mother following her death in September 2021. I note that the Appellant provided an affidavit to the same effect and that there was also documentary evidence confirming the Sponsor's mother's death. I accept that the explanation provided is credible and consistent with the evidence as a whole. I therefore attach weight to the utility bills and receipts relied upon by

the Appellant as demonstrating essential financial outlay in the everyday lives of the Appellant and her mother. 24. I further note that the Respondent accepted within the refusal decision that remittances had been sent by the Sponsor to the Appellant between July 2019 and September 2019, May 2020 and March 2021, and November 2021 and October 2023. The evidence before me now includes Ria money transfer receipts, a letter from Ria Financial Services dated 26th January 2024 with transactions from 2020 – 2024, which directly correspond to the transaction records from the Appellant's account with Central Bank of India between 2021 - 2024. Taken together, those documents demonstrate a longstanding and regular pattern of financial support from the Sponsor to the Appellant. Whilst the Respondent noted that some entries within the Appellant's bank account did not expressly identify the Sponsor as the source of the funds, I accept the Sponsor's explanation that funds transferred by him were subsequently deposited into the Appellant's local bank account for use by the household. That explanation is consistent with the financial records and I find it credible. 25. I am satisfied that the remittances were used to contribute towards the ordinary living expenses of the household occupied by the Appellant and her mother, including utility and day-to-day household expenditure. I therefore find that the financial support provided by the Sponsor was directed towards meeting the Appellant's essential living needs rather than constituting merely discretionary financial assistance. Appeal number: EU/50909/2024 26. 27. In considering whether the dependency requirement is met, I have had regard to the guidance in *SM (India) v ECO (Mumbai)* [2009] EWCA Civ 1426 and *Reyes v Migrationsverket* (Case C-423/12). The assessment is fact-sensitive and must be undertaken on the evidence as a whole. I am satisfied that the evidence in its totality establishes that the Appellant resides with her mother in India. Her mother is a housewife and the evidence before me is that she is financially dependent upon the Sponsor. The Sponsor has been supporting the household financially for a considerable period and I accept the evidence that the Appellant has completed her studies but has not yet secured employment and remains unable to meet her essential living needs without the financial support provided by the Sponsor. Whilst the Appellant is highly educated and has obtained a Master's degree, dependency falls to be assessed by reference to her actual circumstances rather than her potential ability to obtain employment. 28. I am satisfied that by maintaining the household in which the Appellant resides, the Sponsor is providing material support to the Appellant herself. The evidence demonstrates that the Sponsor's financial contributions meet the household expenses upon which the Appellant relies and accordingly constitute support directed to her essential living needs.

29. Having considered the totality of the evidence, including the remittance history, bank records, utility bills and other household expenditure evidence, the Appellant's statement and the Sponsor's oral and written evidence, I am satisfied that the financial support provided by the Sponsor is genuine, longstanding and directed towards meeting the Appellant's essential living needs. I note in particular the consistent evidence that the Sponsor supports the household occupied by the Appellant and her mother in India and that such support has been provided over a lengthy period both before and after the application.

The documentary evidence demonstrates that this pattern of support existed before the application was made and continued thereafter up to the date of decision. There is no evidence of any material change in the Appellant's circumstances during the relevant period.

30. For the sake of completeness, I have noted the evidence also includes numerous photographs demonstrating an ongoing family relationship between the Appellant and the Sponsor, however these do not assist in determining the issue of dependency.
31. Accordingly, I find on the balance of probabilities that the Appellant was dependent upon the Sponsor at the date of application and at the date of decision for the purposes of Appendix EU (Family Permit). Notice of Decision 32. I allow the appeal Appeal number: EU/50909/2024 To the Respondent – Fee Award As I have allowed the appeal I have considered whether or not to make a fee award. I have decided to make a fee award for any fee which has been paid or is payable because there is no reason for the fee award not to follow the outcome of the appeal. Signature Signed S Iqbal First-tier Tribunal Judge Iqbal Date 10.09.2026 6

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