



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

Appeal Number: IA/29250/2014

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 22 September 2015**

**Decision & Reasons  
Promulgated  
On 6 October 2015**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE CHAMBERLAIN**

**Between**

**MR HAFIZ MUHAMMAD IMRAN  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr. R. Layne, Counsel instructed by Wilsons Solicitors  
For the Respondent: Mr. P. Duffy, Home Office Presenting Officer

**DECISION AND REASONS**

1. This is an appeal by the Appellant against the decision of First-tier Tribunal Judge Majid promulgated on 24 March 2015 in which he dismissed the Appellant's appeal against the Respondent's decision to refuse leave to remain in the United Kingdom under the Immigration (European Economic Area) Regulations 2006. Permission to appeal was

granted on the ground that it was arguable that the decision was inadequately reasoned in relation to the main issue of dependency.

2. I heard submissions from both representatives following which I announced my decision that the decision of the First-tier Tribunal involved the making of an error of law and I set out my reasons below.

### Submissions

3. Mr. Layne submitted that it was a very short decision. At paragraph [10] the judge stated that the Appellant had not persuaded him that he had been a dependant of his brother-in-law but had failed to explain why this was so. Financial documents had been provided which showed money being sent by the Appellant's brother-in-law to the Appellant in Pakistan. The Appellant's bank statements had also been provided which showed money being paid to him in the United Kingdom by his brother-in-law.
4. He submitted that there had been cogent evidence before the First-tier Tribunal of the Appellant's financial dependence on his brother-in-law, but there was no analysis of these documents in the decision. There was no reference at all to the evidence on which the Appellant had relied. No reasons had been given as to why the Appellant's evidence had been rejected. He submitted in conclusion that it was the duty of the judge to assess the evidence and set it out clearly. He had failed to do that and the decision was woefully inadequate.
5. Mr. Duffy referred to the Rule 24 response. He submitted that paragraph [10] of the decision stated that the Appellant had said that his college fees had been paid by his parents, but he accepted that the issue of dependence on his brother-in-law, and the receipt of funds from his brother-in-law, had not been dealt with by the judge and he accepted that it should have been. He submitted that where the Appellant had been denied a fair hearing, the proper course of action was to remit the appeal to the First-tier Tribunal.

### Decision

6. In paragraph [10] of the decision the judge states "Of course "dependence" is the most significant issue in this case". He then goes on to state that the Appellant "has not persuaded me that he has been a dependant of his brother-in-law". No reasons are given for this finding. There is no reference in the decision to the financial evidence provided by the Appellant, which evidence was before the First-tier Tribunal. Although there is reference in paragraph [10] to the Appellant stating that his college fees had been paid by his parents, this in and of itself does not answer the question of whether or not he was dependent on his brother-in-law.
7. There are no further reasons given in the decision for why the judge was not persuaded that the Appellant was dependent on his brother-in-law. In paragraph [13] the judge finds that the Appellant is living with

his brother-in-law. In paragraph [14] the judge finds that the Appellant's brother-in-law occasionally helped him but he was dependent on his parents. Again no explanation is given for this finding.

8. I find that the First-tier Tribunal judge failed to give reasons for his finding that the Appellant was not dependent on his brother-in-law. I find that the decision involved the making of an error of law capable of affecting the outcome of the decision.

### **Notice of Decision**

The decision of the First-tier Tribunal involved the making of an error of law.

Accordingly the decision of the First-tier Tribunal is set aside. The appeal is remitted to the First-tier Tribunal for rehearing.

No anonymity direction is made.

Signed

Date 5 October 2015

Deputy Upper Tribunal Judge Chamberlain