



**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Numbers: UI-2021-001727
EA/06462/2021**

THE IMMIGRATION ACTS

**Heard at Field House
On the 22 August 2022**

**Decision & Reasons Promulgated
On the 10 October 2022**

Before

UPPER TRIBUNAL JUDGE PITT

Between

**MR MUHAMMAD ALI
(NO ANONYMITY DIRECTION)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms M Malhotra, Counsel, instructed by Hayat Legal Solicitors

For the Respondent: Mr T Melvin, Senior Home Office Presenting Officer

DECISION AND REASONS

1. This is an extempore judgment provided to the parties at the hearing.
2. Mr Ali applied to come to the UK as an extended family member (EFM) of an Irish national sponsor exercising Treaty rights in the UK. The appeal was refused by First-tier Tribunal Judge Housego in a decision issued on 27 September 2021. In paragraph 22 of the decision the judge stated:

“There is no evidence provided of where the appellant lives, and I am not satisfied that he lives in the sponsor’s parents’ house. There is a paucity of evidence about the appellant.”

The materials provided to me, which included the judge’s typed Record of Proceedings showed that an extensive bundle of documents was provided by the appellant under a cover letter for the First-tier Tribunal. The Record of Proceedings of the First-tier Tribunal Judge confirms this as it shows the sponsor being questioned about those documents, including being questioned about bank statements as well as about affidavits of the appellant’s mother and other relatives which had been provided in the same bundle. The appellant’s bank statements from that bundle and contain his address, the details of which are consistent with the address of the sponsor’s parents in Pakistan. The decision was therefore in error in stating that there was “no evidence” of the appellant’s address and concluding that he had not shown that he lived in the house of the parent’s of the sponsor.

3. Further, in the decision at paragraph 23 the judge says this:

“It is not credible that the appellant lives in Lahore on PKR25,000 rupees a month (PKR 5,000 is said to be given to his mother). He must have other income, from working. He has not shown that he is dependent on the appellant (sic). I do not find credible the reasons given as to why no bank statements were provided. A call centre would be unlikely to pay in cash, and would do so by bank transfer.”

4. As above, the appellant did provide bank statements. Further, it is not clear why the judge found that it was not credible that the appellant could live in Lahore on the funds sent to him by the sponsor. The decision makes no reference to the appellant’s breakdown of his monthly expenses which, if accepted, shows that the sponsor was sending the appellant enough to cover those outgoings.

5. Both of these matters indicated to me that the finding that the appellant was not dependent on the sponsor for his essential needs were not well-founded and that this assessment had to be set aside to be remade.

6. The correct disposal of this matter where there are no valid findings on the core issue in the appeal is that it should be remade by the First-tier Tribunal.

Decision

The decision of the First-tier Tribunal shows an error on a point of law and is set aside to be remade *de novo* in the First-tier Tribunal.

Signed: S Pitt
Upper Tribunal Judge Pitt

Date: 2 September 2022

