



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

Case No: UI-2024-000538

First-tier Tribunal No: EU/51210/2023

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On 15<sup>th</sup> of May 2024**

**Before**

**UPPER TRIBUNAL JUDGE PICKUP**

**Between**

**Manzoor Begum**  
**(NO ANONYMITY ORDER MADE)**

Appellant

**and**

**Entry Clearance Officer**

Respondent

**Representation:**

For the Appellant: The sponsor, Fizan Khan Sultana

For the Respondent: Ms E Blackburn, Senior Home Office Presenting Officer

**Heard at Manchester Civil Justice Centre on 10 May 2024**

**Order Regarding Anonymity**

**Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, [the appellant] (and/or any member of his family, expert, witness or other person the Tribunal considers should not be identified) is granted anonymity.**

**No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant (and/or other person). Failure to comply with this order could amount to a contempt of court.**

**DECISION AND REASONS**

1. For convenience and to avoid confusion the parties are referred to herein as they were before the First-tier Tribunal.

2. By the decision of the First-tier Tribunal (Judge Lester), the respondent has been granted permission to appeal to the Upper Tribunal against the decision of the First-tier Tribunal (Judge Sweet) promulgated 5.1.24 allowing the appellant's appeal against the respondent's decision of 3.2.23 to refuse her application made on 29.11.22 for a family permit under the EUSS and Appendix EU (Family Permit) of the Immigration Rules as the dependent family member of a relevant EEA citizen, namely her grandson, Fizan Khan Sultana, a national of Spain resident in the UK.
3. The single ground asserts that the First-tier Tribunal failed to provide adequate reasoning for allowing the appeal. The respondent points out that it was not disputed that the sponsor sent money to the appellant in Pakistan but the issue, as correctly outlined at [2] of the decision, was whether the remittances were used to meet the appellant's essential needs. The complaint is that there is no finding *"as to whether the money transferred is sufficient to pay for the appellant's rent, there is no finding as to how much rent she pays nor that any receipts have been submitted, nor any evidence of receipts for other essential expenses, such as food or medicines."*
4. At [9] of the decision, Judge Sweet stated, *"While the appellant has only provided financial transfer documents for the period from June 2022 (as set out in the Home Office review of 7 October 2023), I am persuaded that the sponsor has been providing financial support for a considerable length of time, and that the appellant depends on that support for her daily living expenses, including her monthly rental. She does not have a bank account, or any other source of income, and collects the money transfer payments from a local shop."*
5. The judge makes no reference to the remittances meeting the appellant's essential needs. Furthermore, the finding that the appellant depends on the sponsor's financial support is unreasoned, particularly where there is a lack of detail of the appellant's actual financial circumstances, her outgoings, any other source of income, and to what extent her essential needs are met by the sponsor's remittances. The judge stated that they are *"persuaded"* but failed to provide adequate reasoning for reaching that conclusion.
6. In the circumstances, I am satisfied that there was a material error of law in the making of the decision of the First-tier Tribunal so that it must be set aside to be remade.
7. Only the day before the hearing before me, the sponsor submitted further documents. Whilst those were not relevant to the issue of whether there was an error of law in the decision of the First-tier Tribunal, they can be taken into account in the remaking of the decision.
8. The new documentation contains an affidavit by the appellant in which she states that she is unemployed and not engaged in business. There are further remittance documents and very poor translations into English of a rental agreement, some medical, grocery and other shopping bills. These appear to have been provided to address the complaint in the respondent's grounds that there was no evidence of her rent or receipts for essential expenses such as food or medicines.
9. However, as Ms Blackburn pointed out, these new documents only cover the period April to May 2024 when the issue was the appellant's circumstances and essential needs at the date of application in November 2022. There are some further remittances but these are not relevant to the circumstances at the date of application and in any event the fact of remittances was not in dispute. I have some sympathy with the appellant and the sponsor, who complained that there

was no reference in the online application form to documents that needed to be submitted and no guidance. In response, however, Ms Blackburn pointed to the respondent's review, which set out the concerns and the types of documents that needed to be provided.

10. In all the circumstances, I am not satisfied that the evidence taken as a whole, including the new documentation, is sufficient to discharge the burden on the appellant to show on the balance of probabilities that the unchallenged remittances were used to meet the appellant's essential needs. The new documentation does not address her financial circumstances at the date of application. These findings do not prevent the appellant from making a fresh application and taking care to address the concerns and need for documentary support as highlighted by this case.

### **Notice of Decision**

The respondent's appeal to the Upper Tribunal is allowed.

The decision of the First-tier Tribunal is set aside.

I remake the decision in the underlying appeal by dismissing it.

I make no order as to costs.

DMW Pickup

**DMW Pickup**

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

**10 May 2024**