



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

Case No: UI-2024-000798  
FTT No: EA/01915/2023

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:  
On 9 September 2024**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

**SHABBIR AHMAD  
(NO ANONYMITY ORDER MADE)**

Appellant

**and**

**Secretary of State for the Home Department**

Respondent

**Representation:**

For the Appellant: Mr Ahmed  
For the Respondent: Ms Simbi, Senior Presenting Officer

**Heard at Birmingham Civil Justice Centre on 20 August 2024**

**DECISION AND REASONS**

1. The appellant is a male citizen of Pakistan, who was born on 3 January 1977. He appealed to the First-tier Tribunal against a decision of the Secretary of State refusing him a family permit under Appendix EU. The First-tier Tribunal dismissed his appeal. He now appeals to the Upper Tribunal.
2. At the initial hearing at Birmingham on 20 August 2024, Ms Simbi, Senior Presenting Officer for the Secretary of State, told me that the Secretary of State considered that the First-tier Tribunal had erred in law such that its decision fell to be set aside. The judge had wholly failed to assess an expert report adduced in evidence by the appellant which dealt with the matter of his marriage in Pakistan.

3. I note that the judge refers to the report but failed to state whether he attached any weight to it. As regards the materiality of any error, I note and agree with the comments [4] of Judge Cartin who granted permission to appeal. In the circumstances, I find that the First-tier Tribunal's decision should be set aside. There will need to be a hearing of the appeal *de novo* which is better conducted in the First-tier Tribunal.

### **Notice of Decision**

The decision of the First-tier Tribunal is set aside. None of the findings of fact shall stand. The appeal is returned to the First-tier Tribunal for that Tribunal to remake the decision following a hearing *de novo*.

**C. N. Lane**

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

**Dated: 20 August 2024**