



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: HU/04479/2017

**THE IMMIGRATION ACTS**

Heard at Field House  
On 11 July 2018

Decision & Reasons Promulgated  
On 18 July 2018

Before

UPPER TRIBUNAL JUDGE PERKINS

Between

IMRAN KAKOOZA  
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Mr J Gajjor, Counsel instructed by Kimberly Wayne & Diamond

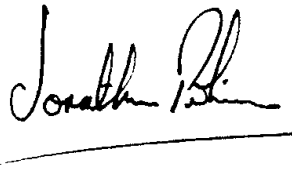
For the Respondent: Ms A Fijiwala, Home Office Presenting Officer

**DECISION AND REASONS**

1. This is an appeal against a decision of the First-tier Tribunal dismissing the appellant's appeal against the decision of the Secretary of State by an Entry Clearance Officer refusing him entry clearance to the United Kingdom to join his father.
2. The Decision and Reasons is unsatisfactory and Ms Fijiwala for the Secretary of State helpfully and realistically conceded at the beginning of the hearing that the First-tier Tribunal Judge was wrong to say that there was no independent evidence about the accommodation available to the child because there was. There was a report from an estate

agent before the Tribunal showing that the accommodation is at least sufficient to satisfy the requirement of the relevant Rules. This established an error of law.

3. There is additional information before the Tribunal which Ms Fijiwala has been able to consider which shows the appellant's sponsor in the United Kingdom earned sufficient money to satisfy the financial requirements of the Rules. It follows therefore that if this had been a Rules based appeal it would have been successful.
4. It is not a Rules based appeal. It is a human rights appeal and concerns the relationship between a father and child. In the circumstances Ms Fijiwala readily accepted that the appeal ought to be allowed on human rights grounds.
5. It follows therefore that I set aside the decision of the First-tier Tribunal and I allow the appellant's appeal against the decision of the Secretary of State.

A handwritten signature in black ink, appearing to read "Jonathan Perkins", written over a horizontal line.

Signed

Jonathan Perkins, Upper Tribunal Judge

Dated: 17 July 2018