



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: HU/09228/2017

**THE IMMIGRATION ACTS**

Heard at Field House  
6 August 2018

Decision & Reasons Promulgated  
21 August 2018

Before

**DR H H STOREY**  
**JUDGE OF THE UPPER TRIBUNAL**

Between

**MRS AZAM DEGHANI**

Appellant

and

**ENTRY CLEARANCE OFFICER**

Respondent

**Representation:**

For the Appellant: Ms I Mahmud, Counsel, instructed by Alliance Solicitors

For the Respondent: Mr N Bramble, Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant is a national of Iran. On 20 March 2018 Judge Kaler of the First tier Tribunal (FtT) dismissed her appeal against the decision made by the respondent on 11 August 2017 refusing to grant entry clearance on the basis of family life with her partner, A Pervez.

2. In the appeal before the FtT judge it was common ground that the appellant met all the requirements of the Immigration Rules relating to partners save for the financial requirements set out at E.ECP.3.3. The judge concluded that the appellant did not meet these requirements because the bank statements provided in relation to his employment with the Maroush Group from April – November 2016 and with BYOC Bars from December 2016- April 2017 were not consistent with the corresponding payslips.
3. It is clear that in assessing the evidence the judge did not have regard to all the relevant documents provided to the Tribunal such as bank statements from 27 April to 31 October 2016. Further, to the extent that the judge appeared to have relied on the doubts expressed by the ECO in respect of a salary deposit paid by the director of Byoc Bars Limited, the judge gave no reason for rejecting the subsequent explanation provided by the director in a letter of 14 August 2017, simply stating the “I agree with the respondent”. In both respects the judge materially erred in law.
4. Mr Bramble stated that when all the documents that were before the judge were considered the respondent was now satisfied that the sponsor had met the financial requirements and had shown in respect of both his employments over the relevant period an income in excess of the requisite figure of £18,600. In particular, the respondent was satisfied by the explanation given by the director in the letter of 25 August 2017 for why one of the monthly salary payments to the appellant had come from him.
5. In light of Mr Bramble's concessions, I am in a position to re-make the decision on the appeal without further ado. It is now accepted by the respondent that the appellant met all the requirements of the Rules relating to partners and in particular that she met the financial requirements.
6. For the above reasons:

The decision of the FtT judge is set aside for material error of law.

The decision I re-make is to allow the appellant’s appeal, as there is no longer any public interest to be weighed against the appellant’s right to respect for family life.



Signed

Date: 7 August 2018

Judge of the Upper Tribunal