



**Upper Tribunal
(Immigration and Asylum Chamber)**

Appeal Number: EA/00172/2020

THE IMMIGRATION ACTS

**Heard at Field House
On 4 February 2022
Extempore**

**Decision & Reasons Promulgated
On 18 March 2022**

Before

UPPER TRIBUNAL JUDGE RINTOUL

Between

**MISS AMMARA REHMAT ALI
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr C Timson, Counsel instructed by RMZ Law Offices

For the Respondent: Mr S Walker, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant appeals with permission against a decision of First-tier Tribunal Judge Pickering promulgated on 11 March 2021 dismissing her appeal against a decision made on 1 November 2019 to refuse to issue her with a family permit to join her brother in the United Kingdom. That application was made pursuant to the Immigration (European Economic Area) Regulations 2016 and the appeal took place under those Regulations. The appellant did not request an oral hearing and the matter was dealt with by the judge on the papers.
2. In short, it was not in dispute that the EEA national was a Belgian national or that they were related as claimed but it was not accepted that the appellant was dependent on her brother ("the Sponsor"). The judge had before her the material provided to the Secretary of State which is set out in the respondent's bundle. She also had in addition to that a bundle of material supplied with the grounds of appeal. The judge concluded on the

basis of the material before her that there were money transfers capable of being supportive of the fact that the EEA sponsor sends funds to the appellant but that there was a lack of evidence to assist the Tribunal in concluding that there was dependency. In doing so she noted that the appellant had another brother and sister. It was unclear whether there was support for them or whether the mother and father were receiving an income or supporting her.

3. The appellant sought permission to appeal against that decision on the basis that the judge had erred in her approach to the material before her in that she had failed to have regard to documentary evidence produced by the appellant as to the costs that she incurs in Pakistan, specifically utility bills and a rental agreement which are not referred to in the decision. Permission to appeal was granted by First-tier Tribunal Judge Neville on 29 September 2021.
4. When the matter came before me Mr Walker accepted that there was a material error in the decision of the First-tier Tribunal in that the judge had overlooked utility bills and a tenancy agreement and other material relating to the costs that the appellant needs to incur in the bundle which clearly went to the issue of dependency.
5. I am satisfied in the circumstances that that was material error and in doing so I note also that it was the appellant's case as set out very briefly, that is in the application made to the Entry Clearance Officer, that she receives money from her brother to pay her rent, food and to pay bills.
6. In the circumstances, I am satisfied that the decision did involve the making of an error of law and as it is now indicated that there will be an oral hearing at which the sponsor will give evidence I am satisfied in all the circumstances it would be appropriate to remit the decision to the First-tier Tribunal on the issue of dependency, and that concludes my decision. I
7. The appeal will be listed at Taylor House unless the appellant's solicitors otherwise notify the First-tier Tribunal as it appears that the sponsor is now living in Barking.

Notice of Decision

1. The decision of the First-tier Tribunal involved the making of an error of law and is set aside.
2. I remit the appeal to the First-tier Tribunal for a fresh decision on all issues. For the avoidance of doubt none of the findings made in Judge Pickering's decision are preserved.

Signed

Date: 10 February 2022

Jeremy K H Rintoul

Upper Tribunal Judge Rintoul