



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

Appeal Number: EA/02861/2020

THE IMMIGRATION ACTS

**Heard at Field House
On 13 January 2022**

**Decision & Reasons Promulgated
On 22 March 2022**

Before

UPPER TRIBUNAL JUDGE PERKINS

Between

UMAR ZEESHAN

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr A Maqsood, counsel instructed by direct public access

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

DETERMINATION AND REASONS

- 1) The appellant is a citizen of Pakistan who seeks to join his uncle in the United Kingdom who is an EEA national exercising treaty rights. The appellant says that he is his uncle's dependant. The respondent disagrees.
- 2) The First-tier Tribunal dismissed the appeal.

- 3) The appellant was not living in accommodation provide by his uncle’s friend. It did not belong to his uncle.
- 4) At paragraph 13 of the Decision and Reasons the Judge says:

“What is clear is that if the property belongs to Mr Anjum, it does not belong to the Sponsor and this part of the Appellant’s essential needs is not met by the Sponsor and I so find.”
- 5) The conclusion is clear. The reasoning is not.
- 6) It is the appellant’s case that the accommodation is a short term arrangement arranged entirely by the sponsor and is as much provided by him as if the sponsor had entered into a tenancy agreement and paid the rent.
- 7) It may be that the judge did not accept that evidence or it may be that the judge did not accept that such an arrangement could be the source of dependency for the purpose of the rules.
- 8) Mr Walker had considered this point and did not feel able to assert that the reasoning was sufficient.
- 9) Mr Maqsood adduced further evidence and invited me to allow the appeal outright.
- 10) After reflecting on that submission I decline to redetermine the appeal.
- 11) The appellant main point is unusual, if not novel, and I find should be decided in a fully reasoned decision and that all appeal routes should be preserved.
- 12) I find that the First-tier Tribunal erred in law by not explaining its decision adequately. I set aside the decision of the First-tier Tribunal and I direct that the appeal be determined again in the First-tier Tribunal. No findings are preserved.

Jonathan Perkins

Signed
Judge of the Upper Tribunal

Dated 10 February 2022