



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

Case No: UI-2022-002690  
FTT No: EA/08501/2021

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On 18 August 2023**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

**MUHAMMAD NOMAN SHAHBAZ**

**(NO ANONYMITY ORDER MADE)**

Appellant

**and**

**Entry Clearance Officer**

Respondent

**Representation:**

For the Appellant: In person (via Teams)  
For the Respondent: Mr Bates, Senior Presenting Officer

Heard at Manchester Civil Justice Centre on 1 June 2023

**DECISION AND REASONS**

1. The appellant (a male citizen of Pakistan born on 20 November 2000) submitted an application for an EEA family permit on the grounds that he was the dependent family of Mr Adil Imran Rasool Bibi, the appellant's uncle, born 2 March 1981 and said to be a Spanish national. This was refused by an official on behalf of the Entry Clearance Officer ('the Respondent') by a decision dated 6 April 2021 (the 'RFRL'). The Appellant gave notice of appeal to this Tribunal on 29 April 2021. The appellant appealed to the First-tier Tribunal which dismissed his appeal. He now appeals to the Upper Tribunal.
2. Granting permission, First-tier Tribunal Judge Chowdhury wrote:

The first ground complains that the Appellant did not have the Respondent's bundle. However as was noted by the judge at paragraph 10 the Respondent's appeal bundle running to 28 pages contained copies of the application form completed by the Appellant, the Respondent's decision and various ID

documentation, the Appellant's Notice and Grounds of Appeal. I am therefore satisfied that the Respondent's bundle comprised of documents [was] already known to the Appellant and I do not find he was at any disadvantage in preparing his case without sight of the Respondent's bundle. It is arguable that the judge made an error in law in focusing mainly on the reasons for the Appellant's dependency. (See Lim (EEA – dependency) [2013] UKUT 00437. Permission is granted only in respect of this ground.

3. The appellant is resident in Pakistan. The initial hearing in the Upper Tribunal took place via Teams, the appellant appearing from his home in Pakistan. He gave his evidence with the assistance of a court interpreter. I was satisfied that the appellant understood the matters discussed at the hearing. I gave him every opportunity to present his arguments to the Tribunal.
4. I do not accept, as the grounds of appeal assert, that the judge focused on the reasons for the appellant's claimed dependency throughout the decision (in particular, at [39], [45], [46]) the focus of the judge's analysis is on his concern that the he did not have a complete or truthful account of the appellant and sponsor's financial circumstances before him. Indeed, at [31] the dearth of relevant evidence was such as to cause the judge to question whether the appellant had shown that he had any need for support for any needs, essential or otherwise, from third parties. Contrary to what is asserted in the grounds, the judge's findings and observation go to the credibility of the entire appeal and not to the reasons for claimed dependency. With justification, the judge described the appellant's evidence of dependency as 'unsatisfactory [32].
5. The appellant raised the matter of the missing bundle. however, I note that no permission has been given to argue this grounds of appeal (see Judge Chowdhury's grant of permission above).
6. In the circumstances, I find that the First-tier Tribunal reached a decision available to it on the evidence and that it applied the law accurately. In the circumstances the appeal is dismissed.

### **Notice of Decision**

The appeal is dismissed.

Tribunal

**C. N.  
Lane**  
Judge of the Upper  
Immigration and Asylum Chamber

**Dated: 16 August 2023**