



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: EA/00639/2018

**THE IMMIGRATION ACTS**

Heard at Manchester  
On 23 September 2019

Decision & Reasons Promulgated  
On 30 September 2019

Before

UPPER TRIBUNAL JUDGE PICKUP

Between

MRS KANEEZ BEGUM  
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Mr P Shey

For the Respondent: Mr A McVeety, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. This is the appellant's appeal against the decision of First-tier Tribunal Judge Devlin promulgated on 6 February 2019 dismissing her appeal against the decision of the Secretary of State dated 30 November 2017 to refuse her application for an EEA family permit. The application was for entry to the UK as the mother-in-law of Muhammad Ashik Khan, a Spanish national married to the appellant's daughter Tahira Parveen. First-tier Tribunal Judge Gibb granted permission to appeal on 16 November 2019. In summary, the grounds, dated 28 February 2019, which were not in the file but which have now been provided to me, complain that the judge erred in:

- (1) requiring the 70-year-old applicant to obtain further evidence in Pakistan which was not possible;

- (2) not taking into account that the interpreter could not understand the judge's questions and not accepting that the sponsor did his best to explain why the appellant was not supported by her sons in Spain; and
  - (3) finding the appellant and the sponsor were not related as claimed when this had been accepted and was not an issue in the appeal.
2. With respect to Judge Gibb, there are no merits in any of these grounds. For the following reasons I find no error of law in the making of the decision sufficient to require the decision to be set aside.
  3. In relation to the interpreter, Judge Gibb pointed out that that ground would require evidence that there were indeed interpreter difficulties. No such evidence has been produced to the Tribunal. All that Mr Shey could rely upon were various statements in the decision, for example at [74], where the judge said he asked the sponsor again and again and again in different ways to help him understand the reasons why the appellant's sons in Spain would not support her. That was not because the sponsor was having difficulties understanding the judge, or because there were difficulties with the interpreter. As the judge explained at [74], the reason he asked again, again and again was because it was perfectly clear that the sponsor was engaging in prevarication or verbal fencing. Other examples have been set out by the judge from [66] onwards, for example at [67] the judge said he repeated the question and either questions were not answered or not directly answered. It took some time, for example, to establish whether the sponsor had any extended family in Pakistan. None of those matters, or anything else relied upon by Mr Shey, demonstrates any difficulty with the interpreter.
  4. The third ground of appeal asserts that the judge found that the appellant and the sponsor were not related as claimed. This is derived from paragraph 6 of the grounds:

"The relationship between the appellant and the sponsor was accepted. The only issue in the appeal was evidence of dependency, whether the appellant is dependent on her EEA sponsor or not. The sponsor provided documentary evidence clearly proving the appellant had been a dependant on the sponsor, the honourable judge has clearly erred while dealing with EEA Regulations."

I am not sure if that is an assertion that the judge went beyond an acceptance or something accepted by the respondent. However, in any event, nowhere in the decision does the judge state that he does not accept the relationship between the appellant and the sponsor, or that it was not as claimed. I have been referred to the very end of the decision at [86] where the judge found that the appellant did not meet the definition of a family member in Regulation 7(1)(c) of the 2016 Regulations. That is not a finding that the sponsor and the appellant are not related as claimed; it merely means that the judge found that the respondent could not meet the definition of family member within the Regulations which, as is common ground, requires evidence of dependency. So, there is no merit in that ground either. Neither do I find any merit in the ground, or any error in the decision, in relation to the assertion that the judge required the appellant to obtain further evidence in Pakistan which

was not possible. That is not found in the decision and I note that Mr Shey did not pursue that in his submissions before me.

5. The judge had to deal with this case at an oral hearing where the appellant was represented by Ms Hashmi but the respondent was not represented; it is not clear why. However, in the circumstances, the judge was entitled to put questions to the appellant to try to clarify the factual situation. Clearly, the appellant was reluctant to answer a straight question with a straight answer. There is nothing in those questions that is improper or untoward and, as has been pointed out in the grant of permission, no ground of appeal or ground of application for permission makes any objection to the judges entering into the arena or relying on matters that the appellant's representatives did not have a chance to respond to. For his part, Mr Shey's sole submission related to alleged difficulties in the sponsor understanding the judge's questions. For the reasons I have set out above, there is no merit in that unsupported assertion, and I do not accept it.
6. In the circumstances, I find no error of law in the making of the decision of the First-tier Tribunal.

*Decision*

7. The making of the decision of the First-tier Tribunal did not involve the making of an error of law such as to require the decision to be set aside.

I do not set aside the decision. The appeal remains dismissed

No anonymity direction is made.



**Signed**  
**Upper Tribunal Judge Pickup**

**Dated** 27 September 2019

**To the Respondent**  
**Fee Award**

I have dismissed the appeal and therefore there can be no fee award.



**Signed**  
**Upper Tribunal Judge Pickup**

**Dated** 27 September 2019