



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: EA/01823/2018

THE IMMIGRATION ACTS

Heard at Field House
On 4 March 2019

Decision & Reasons Promulgated
On 20 March 2019

Before

UPPER TRIBUNAL JUDGE GLEESON

Between

MR MUHAMMAD AWAIS
(NO ANONYMITY ORDER)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Paul Turner instructed by Lee Valley Solicitors

For the Respondent: Mr John McGirr, a Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant appeals with permission against the decision of First-tier Tribunal Judge Samimi, dismissing his appeal against the respondent's refusal to grant him a residence permit as the extended family member of his EEA citizen cousin.
2. At paragraph 7 the judge set out serious concerns about the evidence of the sponsor as to his finances but at paragraph 10 he fell into significant error when he said this:

“There is no evidence of the Appellant having been supported by [the sponsor] Mr [E] in 2010. I do not find that the money transfer receipts provide credible evidence of

prior dependency given that there are only five Western Union transfer receipts relating to January/March and June 2011 and August and November 2012.”

3. At pages 21-25 of the appellant’s bundle, he had disclosed 5 further Western Union transfer receipts sent by Mr [E] to one [MH] amounting to a total sum of Rs 1,202,021 (about £9134 sterling), a record of payments made on 10 August 2010 - 25 August 2010, 1 September 2010 - 5 October 2010 and on 15 December 2010. At the Upper Tribunal hearing, the appellant stated that [MH] is his father and that the money was sent for his support in Pakistan.
4. It was therefore incorrect in fact to say that there was ‘no evidence’ of payments made for the applicant’s support in 2010. The existence of the 2010 Western Union receipts raises questions which may require further oral evidence. I do not consider it appropriate to seek to remake the decision in this appeal today.
5. I set aside the decision of the First-tier Tribunal. The decision will be remade in the First-tier Tribunal on a date to be fixed.

Signed *Judith AJC Gleeson*
Upper Tribunal Judge Gleeson

Date: 15 March 2019