



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

Appeal Number: EA/00609/2020

THE IMMIGRATION ACTS

**Heard at Bradford
On 21 January 2021**

**Decision & Reasons Promulgated
On 3 February 2022**

Before

UPPER TRIBUNAL JUDGE LANE

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**SEBASTIAN APRAKU YEBOAH
(ANONYMITY DIRECTION NOT MADE)**

Respondent

Representation:

For the Appellant: Mr Diwnycz, Senior Home Office Presenting Officer

For the Respondent: Mr Emmanuel Yeboah and Mrs Nana Yaa Boah (sponsor's husband/sponsor)

DECISION AND REASONS

1. I shall refer to the appellant as the 'respondent' and the respondent as the 'appellant', as they appeared respectively before the First-tier Tribunal. The appellant was born on 23 March 1994 and is a citizen of Ghana. By a decision dated 14 December 2019, he was refused leave to enter the United Kingdom as a family member of a EEA national, Mrs Nana Yaa Boah, an Italian citizen. Mrs Boah's husband, Emmanuel Yeboah, is the appellant's father. The First-tier Tribunal allowed the appellant's appeal. The Secretary of State now appeals, with permission, to the Upper Tribunal.

2. The grounds are not clearly expressed (a large number of superfluous question marks scattered throughout the text). The Secretary of State complains first that there was insufficient financial evidence to support the claimed dependency of the appellant on the sponsor. That assertion is without merit. The judge [19] refers to a ‘detailed history of long-running financial support’ evidenced in ‘money transfer records’. Given that evidence, it was manifestly open to the judge to find that the appellant is ‘entirely reliant on the [sponsor] to meet his essential needs.’ I am reminded also that the judge had to opportunity to hear the oral evidence of the sponsor and her husband (which I did not hear) and to make robust findings of fact; I should only interfere with those findings if I have a good reason to do so.
3. Secondly, the respondent complains that evidence given about the appellant’s mother ‘does not appear to be convincing.’ With respect to the author of the grounds, it matters not whether she finds the evidence convincing; rather, it was for the judge to make findings of fact according to the appropriate standard of proof. The complaint regarding the mother’s role in the appellant’s upbringing amounts to nothing more than a disagreement with findings available to the judge on the evidence. It is likewise unhelpful for the respondent to claim that the evidence was ‘full of discrepancies’ without making any attempt to say what they may be or, indeed, to state that the First-tier Tribunal’s findings ‘are without merit.’
4. Thirdly, the respondent’s assertion (repeated by the judge who granted permission) that the financial circumstances of the appellant in Ghana have not been addressed by the First-tier Tribunal is simply contrary to what is stated in the decision. At [6-7], the judge writes that the appellant completed his military service, tried unsuccessfully to get a job and enrolled on a computer course. The judge notes that the appellant ‘is single, unemployed’, ‘has never worked’ and that his extended family in Ghana ‘are in no position to support him in any way.’ It is difficult to know how the judge could have been clearer in describing the appellant’s circumstances.
5. The First-tier Tribunal reached clear and cogent findings on the evidence. It did not err in law for the reasons advanced in the grounds or at all. The Secretary of State’s appeal is dismissed.

Notice of Decision

The Secretary of State’s appeal is dismissed.

Signed

Date 21 January 2022

Upper Tribunal Judge