



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

Appeal Number: UI-2021-001490  
EA/01854/2021

**THE IMMIGRATION ACTS**

**Heard at Field House**

**On 17 June 2022  
Extempore decision**

**Decision & Reasons  
Promulgated  
On 12 August 2022**

**Before**

**UPPER TRIBUNAL JUDGE SHERIDAN**

**Between**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**and**

**MS SIRAD MUHUMED IBAR  
(ANONYMITY DIRECTION NOT MADE)**

Respondent

**Representation:**

For the Appellant: Ms A Ahmed, Senior Home Office Presenting Officer  
For the Respondent: Mr E Akohene, Afrifa & Partners Solicitors

**DECISION AND REASONS**

1. By my decision promulgated on 29 April 2022 I set aside a decision of Judge of the First-tier Tribunal Maller promulgated on 8 September 2021. The sole reason for setting aside that decision was that the sponsor had failed to provide up-to-date evidence to confirm that he had continued to support the appellant after February 2021.

2. In my decision I preserved the findings of the First-tier Tribunal, including the finding that the sponsor was credible and that the support he provided to the appellant between August 2019 and February 2021 (evidenced by money transfers of approximately US\$150 - US\$200 a month) was to cover her essential needs such as accommodation, utilities and food.
3. In paragraph 17 of my decision I stated that the key issue to be determined at the resumed hearing was whether the support that the First-tier Tribunal found was provided by the sponsor to the appellant between August 2019 and February 2021 has continued and is continuing at the date of the resumed hearing.
4. The appellant did not attend the resumed hearing. I was informed by Mr Akohene that this was because he is abroad and has been unable to obtain a flight to return to the UK. However, he has provided documentary evidence of money transfers to the appellant of approximately US\$150 - US\$200 a month for the period covering February 2021 to May 2022.
5. Ms Ahmed highlighted that the appellant ought to have attended the hearing given that his evidence was at issue. However, she accepted that the documentary evidence put her in difficulty.
6. The appellant has clearly established, through the documentary evidence provided, that the financial support he provided to the appellant between August 2019 and February 2021 - which the First-tier Tribunal accepted (in a preserved finding) was to cover her essential needs - has continued until May 2022. I am therefore satisfied that the appellant is dependent on the sponsor and consequently is a family member under reg. 7(1)(c) of the Immigration (EEA) regulations 2016 (dependent relative in the appellant's ascending line). The appeal is therefore allowed.

### **Notice of Decision**

The decision of the First-tier Tribunal was set aside by my decision promulgated on 29 April 2022.

I now remake the decision of the First-tier Tribunal and allow the appeal.

No anonymity direction is made.

Signed

D. Sheridan

Upper Tribunal Judge Sheridan

Dated: 28 June 2022