



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

Appeal Number: UI-2022-000146  
EA/07590/2021

**THE IMMIGRATION ACTS**

**Heard at Manchester Civil Justice  
Centre  
On 1 August 2022**

**Decision & Reasons Promulgated  
On 22 September 2022**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

**MUHAMMAD WAQAR  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr Hopkin

For the Respondent: Mr McVeety, Senior Presenting Officer

**DECISION AND REASONS**

1. The appellant, a male citizen of Pakistan born on 23 January 1992, appealed to the First-tier Tribunal against a decision of the respondent refusing him a family permit under Regulation 8 of the Immigration (European Economic Area) Regulations 2006 (as amended). The First-tier Tribunal, in a decision promulgated on 31 December 2021, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. The grant of permission summarises the grounds of appeal as follows:

The grounds argue that the Judge erred in failing to give adequate reasons for rejecting the evidence (including that of the appellant's brother) and for making findings which appear to be at odds with the evidence.

It is arguable that the Judge erred as suggested in the grounds. The evidence of the appellant's brother as recorded by the Judge (at paragraph 5) contains a clear basis for concluding that the appellant is dependent (that the appellant has no other source of income and has not worked in Pakistan) and the Judge arguably gives no adequate reasons for rejecting that evidence. All grounds are arguable.

3. At the initial hearing, Mr McVeety, for the Secretary of State, told me that the appeal was not opposed. The Secretary of State agrees that the judge's reasoning is inadequate. In particular, the judge gave no reasons at [9] for rejecting the evidence of the sponsor whilst finding that the appellant in Pakistan had not shown that he 'does not in fact carry out menial work.'
4. I set aside the decision. None of the findings of fact shall stand. The appeal is returned to the First-tier Tribunal for that Tribunal to remake the decision following a hearing *de novo*.

### **Notice of Decision**

I set aside the decision. None of the findings of fact shall stand. The appeal is returned to the First-tier Tribunal for that Tribunal to remake the decision following a hearing *de novo*.

Listing Directions: return to First-tier Tribunal; not Judge Bartlett; first available date at Manchester; 1.5 hours; no interpreter unless appellant makes application to First-tier Tribunal for an interpreter.

Signed

Date 1 August 2022

Upper Tribunal Judge Lane