



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2022-006192
First-tier Tribunal No:
EA/02096/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 21 May 2023

Before

UPPER TRIBUNAL JUDGE SHERIDAN

Between

Qamar Zaman
(NO ANONYMITY ORDER MADE)

Appellant

and

The Secretary of State for the Home Department

Respondent

Representation:

For the Appellant: None

For the Respondent: Mr Avery, Senior Home Office Presenting Officer

Heard at Field House on 17 April 2023

DECISION AND REASONS

1. Neither the appellant nor a representative on his behalf attended the hearing.
2. Shortly before the hearing (on 14 April 2023) the appellant's solicitors sent an email to the Upper Tribunal stating that due to the appellant's financial circumstances they were unable to arrange representation for attendance at the hearing. They requested that the appeal be decided on the papers.
3. At the start of the hearing, I informed Mr Avery that I had, in accordance with the request of the appellant's representatives, considered the case on the papers; and that, as I had decided to dismiss the appeal, it would not be necessary for him to make any submissions.
4. The appellant is a citizen of Pakistan. His uncle ("the sponsor") is a French citizen who has lived in the UK since 2012. The appellant claims to be dependent on the sponsor.

5. The appellant applied under the Immigration (EEA Regulations) 2016 for a family permit to join the sponsor in the UK. On 7 December 2020 the application was refused on the basis that it was not accepted that the appellant was financially dependent on the sponsor.
6. The appellant appealed to the First-tier Tribunal where his appeal came before Judge of the First-tier Tribunal Burnett (“the judge”). In a decision promulgated on 1 November 2022, the judge dismissed the appeal. The appellant is now appealing against this decision.
7. The judge accepted that there was evidence of the sponsor transferring money to the appellant but was not satisfied that the funds were solely for the appellant or that the appellant used those funds to meet his essential living needs. The judge therefore dismiss the appeal on the basis that dependency had not been established.
8. There are two grounds of appeal. Ground 1 concerns the adequacy of the judge’s reasons. It is submitted that the judge erred because the only reason he gave for rejecting the appellant’s evidence was that the appellant had not provided evidence about how he paid for his accommodation, clothing and utility bills in his list of monthly expenses. It is submitted that this reasoning is inadequate.
9. Ground 2 submits that the judge failed to resolve several material aspects of the evidence. The specific criticisms of the decision made in this ground are: (a) the judge failed to make a finding on the credibility of the sponsor’s evidence and did not give reasons why he did not accept the sponsor’s evidence that the money he sent to the appellant was used to pay for the appellant’s essential needs; (b) the judge failed to have regard to the fact that the utility bills submitted by the appellant contained a payment history; and (c) the judge failed to explain how he could conclude that the significant funds sent by the sponsor to the appellant were not used to meet his essential living needs.
10. The appellant’s “reasons” challenge in ground 1 submits that the only one reason given by the judge for finding that the appellant’s true financial circumstances had not been provided is that he failed to include information about paying for accommodation, clothing and utility bills in his list of monthly expenditure. The difficulty with this argument is that it is plain that the judge gave other reasons for finding that the appellant’s true financial circumstances had not been disclosed. These included: (a) the appellant’s list of expenditure failed to explain how he met the expenses of his three children; (b) receipts provided by the appellant were limited and did not demonstrate his expenditure or essential needs; (c) the appellant submitted utility bills where there was one in his name and another in the sponsor’s name for the same month, indicating that the sponsor may have expenses in Pakistan unrelated to the appellant; and (d) the appellant’s statement that the funds provided by the sponsor are “distributed to the household expenses in which my parents also live” suggests “a communal pot of money”. In my view, ground 1 cannot succeed because (i) it is premised on the judge giving only one reason when in fact several reasons were given; and (ii) the several reasons given by the judge adequately explain the conclusion reached.
11. I now turn to ground 2. The first contention in this ground is that the judge failed to make a finding on the credibility of the sponsor’s evidence and did not give reasons why he did not accept the sponsor’s evidence that the money he sent to

the appellant was used to pay for the appellant's essential needs. There is no merit to this submission. The judge did not need to make an overall finding on whether the sponsor was "credible". The issue in contention was whether the appellant uses the funds sent by the sponsor for his essential needs and the judge explained, giving several reasons (as summarised above in paragraph 10), why the evidence on this (including from the sponsor) was not accepted.

12. The second submission in ground 2 is that the judge failed to have regard to utility bills in the appellant's name. I am unclear as to the relevance of this. Had the sponsor (or a representative of the appellant) attended the hearing perhaps this could have been explained. In any event, I am satisfied that the reasons given by the judge (as summarised above in paragraph 10) were adequate and that nothing in the utility bills could, on any legitimate view, undermine the conclusion reached.
13. The third submission in ground 2 is that the judge failed to explain how he could conclude that the significant funds sent by the sponsor to the appellant were not used to meet his essential living needs. There is no merit to this contention because, plainly, the judge did explain how he reached this conclusion: his reasons are summarised above in paragraph 10.

Notice of Decision

14. The grounds of appeal do not identify an error of law in the decision of the First-tier Tribunal and therefore the decision stands.

D. Sheridan

Judge of the Upper Tribunal
Immigration and Asylum Chamber

29.4.2023