



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case Nos: UI-2022-001944
UI-2022-001974 UI-2022-001975
UI-2022-001976 UI-2022-001978
First-tier Tribunal Nos: EA/10113/2021
EA/10115/2021 EA/10119/2021
EA/10121/2021 EA/10124/2021

THE IMMIGRATION ACTS

**Decision & Reasons Issued:
On 12 May 2023**

Before

**UPPER TRIBUNAL JUDGE PERKINS
DEPUTY UPPER TRIBUNAL JUDGE MALIK K.C.**

Between

**MUHAMMAD AFZAL NUSRAT BIBI UMME LAILA
MUHAMMAD BILAL MUHAMMAD WAQAR
(no anonymity order made)**

Appellants

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms E King, Counsel
For the Respondent: Mr E Tufan, Home Office Presenting Officer

Heard at Field House on 31 January 2023

DECISION AND REASONS

(extempore)

1. This is an appeal by several members of the same family against the decision of the First-tier Tribunal dismissing their appeal against the decision of the Secretary of State refusing them leave to enter the United Kingdom.
2. The applications are brought under EEA provisions, some of them as extended family members and some of them as direct family members. We do not consider it necessary to say any more than that. We have identified the decisions complained of.
3. The First-tier Tribunal has taken considerable care in setting out matters of law and has purported to analyse the evidence but we are not satisfied that the evidence has been analysed properly.

4. The permission to appeal to the Upper Tribunal has identified possible areas of fault. Of particular concern is the failure to consider payslips from an organisation or company called Shopify and failure to analyse with reference to those slips claims of regular payments of quite substantial sums of money to the wife of the EEA national.
5. As it says in paragraph 4 of the grounds, it is at least arguable that the First-tier Tribunal Judge has failed to have regard to this material evidence. If the evidence had been considered by the FtTJ the reasons for rejecting those specific documents are not made clear. It is arguable that the FtTJ's findings in respect of the sponsor's employment and the material impacted on the overall finding on dependency.
6. We respectfully find that this summary is absolutely right.
7. Mr Tufan had considered his position and realistically accepted that at the end of the day we would have to find that the error had been established. We make it plain that we are not making any kind of ruling about what the proper outcome is in this appeal. It may be that the judge has chanced upon the right findings. She has not explained properly how she has got there and she has made it without proper reference to several documents that would tend to point in the other direction.
8. It follows that the decision is not explained adequately and that means it is wrong in law. We set it aside. We preserve no findings of fact and we direct that the case be heard again in the First-tier Tribunal.

Notice of Decision

9. The appeals are allowed and will be reheard in the First-tier Tribunal.

Jonathan Perkins

Judge of the Upper Tribunal
Immigration and Asylum Chamber

12 May 2023