



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: **UI-2022-005233;**
UI-2022-005234; UI-2022-005235
FTT No: **EA/05848/2020;**
EA/05849/2020; EA/05850/2020

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On 22 August 2023

Before

UPPER TRIBUNAL JUDGE LANE

Between

BUSHRA RIAZ
IQRA RIAZ
FARAZ AHMED

(NO ANONYMITY ORDER MADE)

Appellant

and

Entry Clearance Officer

Respondent

Representation:

For the Appellant: Mr Abraham
For the Respondent: Ms Young, Senior Presenting Officer

Heard at Phoenix House (Bradford) on 31 May 2023

DECISION AND REASONS

1. The appellants are adult citizens of Pakistan. The Spanish sponsor who lives in the United Kingdom is the brother of the first and second appellants (who are husband and wife) and the brother in law of the third appellant. The appellants applied to enter the United Kingdom as extended family members of the sponsor. Their application was refused by a decision of the Entry Clearance Officer dated 22 October 2020. They appealed to the First-tier Tribunal which, in a decision promulgated on 9 September 2021, dismissed their appeals. The appellants now appeal, with permission, to the Upper Tribunal.
2. Granting permission, Upper Tribunal Judge Kopieczek wrote:

First-tier Tribunal Judge Ficklin identified the evidence that he had before him and set out the basis of the appellants' case. However, his actual reasons for dismissing the appeals are, almost exclusively, to be found in two short paragraphs (18 and 19).

Although succinctness in a decision is to be commended, I am satisfied that there is arguable merit in the contention that the decision does not give proper consideration to the documentary evidence that was before him when reaching the conclusion that dependency had not been established

3. In his oral submissions, Mr Abraham for the appellants argued that, in this appeal on the papers, the judge had overlooked evidence. The fact that the appeal had been dismissed was itself proof of the failure of the judge to read all the evidence: had it read all of it, he would have allowed the appeal.
4. The problem for the appellants is that the judge expressly stated [11] that he had considered all the evidence before him. It was not necessary for him to name and examine each piece of evidence individually. The judge has considered the main categories of evidence (that showing the sponsor's earnings; numerous money transfers from the sponsor to the first and second appellants) but the point stressed by the judge (and which the appellants have not addressed adequately) concerns the sponsor's own financial circumstances. It was open to the judge to find that the appellants had not proved that the sponsor 'is directly responsible for the appellants' support and that he can afford it' [18]. On the evidence, the judge doubted that the sponsor alone had paid and could continue to afford to pay the considerable sums which the evidence indicated had hitherto been remitted to the appellants. Having considered the same evidence as was before the First-tier Tribunal, I am satisfied that the judge reached that conclusion following a thorough examination of all the evidence as he stated he had carried out at [11]. Consequently, the judge did not err in the manner asserted by the appellants and which, when granting permission, Upper Tribunal Judge Kopieczek had considered arguable. To put another way, a reading of all the evidence does not inexorably lead to one conclusion, as Mr Abraham submitted.

Notice of Decision

This appeal is dismissed.

C. N. Lane

Judge of the Upper Tribunal
Immigration and Asylum Chamber

Dated: 2 August 2023