



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

Appeal Number: OA/06613/2015

THE IMMIGRATION ACTS

**Heard at Field House
On 12 April 2017**

**Decision & Reasons Promulgated
On 21 June 2017**

Before

UPPER TRIBUNAL JUDGE ALLEN

Between

**JACEN O BRIEN SPENCER
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr S E Unigwe
For the Respondent: Mr S Kotas

DECISION AND REASONS

1. This is the remaking of the appeal of Mr Spencer against the respondent's decision of 5 February 2015 refusing him entry clearance as a partner under Appendix FM paragraph EC-P.1.1.
2. At a hearing on 6 February 2017 I found an error of law in the decision of the First-tier Judge who had previously allowed Mr Spencer's appeal, the

problem being that Mr Spencer had not produced bank statements in compliance with the requirements of the Rules. I was lacking the personal bank statements corresponding to the period of the pay slips at paragraph 2(a) showing that the salary had been paid into an account in the name of the person or in the name of the person and their partner jointly.

3. At the hearing before me today were produced bank statements which, it was common ground, corresponded with the requirements of the Rules.
4. The appeal of Mr Spencer is accordingly allowed.
5. No anonymity direction is made.



Signed

Date 26 April 2017

Upper Tribunal Judge Allen