



**Upper Tribunal  
(Immigration and Asylum Chamber)      Appeal Number: HU/22236/2018**

**THE IMMIGRATION ACTS**

**Heard at Manchester (Via Teams)  
On 15<sup>th</sup> November 2021**

**Decision & Reasons  
Promulgated  
On 24<sup>th</sup> November 2021**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

**GULAM HAYDER CHOWDHURY  
(ANONYMITY DIRECTION NOT MADE)**

**Appellant**

**and**

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

**Respondent**

**DECISION AND REASONS**

1. The appellant is a citizen of Bangladesh who was born on 1 April 1987. He appealed to the First-tier Tribunal against a decision of the Entry Clearance Officer dated 28 May 2018 refusing his claim for entry clearance as the partner of Shomi Begum. The First-tier Tribunal, in a decision promulgated on 17 May 2021, dismissed his appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. At the Upper Tribunal initial hearing, Mr McVeety, who appeared for the Entry Clearance Officer, told me that he accepted that the judge had erred in law by failing to take any account of the sponsor's receipt of carer's allowance. As a consequence of that error, the judge's analysis of the financial requirements to be met by the appellant under the Immigration

Rules had been vitiated which, in turn, rendered his determination of the appeal on human rights grounds unsound.

3. In the circumstances, I set aside the decision of the First-tier Tribunal. 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**

The decision of the First-tier Tribunal is set aside. 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: first available date at Manchester First-tier Tribunal; not Judge Andrew Davies; Bengali Sylheti interpreter**

Signed

Date 15 November 2021

Upper Tribunal Judge Lane