



**Upper Tribunal
(Immigration and Asylum Chamber)
EA/02864/2021**

**Appeal Number:
UI-2022-000500**

THE IMMIGRATION ACTS

**Heard at Field House
On the 30 August 2022**

**Decision & Reasons
Promulgated
On the 05 October
2022**

Before

**UPPER TRIBUNAL JUDGE PLIMMER
DEPUTY UPPER TRIBUNAL JUDGE FROMM**

Between

MUHAMMAD IKRAM

Appellant

and

ENTRY CLEARANCE OFFICER

Respondent

Representation:

Appellant: None

Respondent: Ms Ahmed, Senior Home Office Presenting Officer

DECISION AND REASONS

At the beginning of the hearing Ms Ahmed conceded that the appellant's appeal against the decision of the First-tier Tribunal ('FTT') dated 4 October 2021 should be allowed on the basis that in attaching limited weight to the witness statements prepared by the

appellant and the sponsor, the FTT committed a material error of law. Ms Ahmed was entirely correct to make that concession for the reasons she outlined, and we accept it. It follows that we set aside the FTT's decision. As Ms Ahmed observed, the findings of fact are infected by the error of law identified and entirely fresh findings are required in relation to the issue of the appellant's dependency upon the sponsor.

We have had regard to para 7.2 of the relevant *Senior President's Practice Statement*. The nature and extent of the factual findings to be made are such that this is an appropriate case to be remitted to the FTT.

Decision

The decision of the FTT involved the making of a material error of law. Its decision cannot stand and is set aside. It shall be re-made in the FTT by a judge other than Judge Andrew.

Signed:
Ms M. Plimmer
Judge of the Upper Tribunal

Date:
30 August 2022