



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: HU/02055/2016

THE IMMIGRATION ACTS

Heard at Bradford
On 8th October 2018

Decision & Reasons Promulgated
On 23rd October 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE D E TAYLOR

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

MR NASIR ALI
(ANONYMITY DIRECTION NOT MADE)

Respondent

Representation:

For the Appellant: Mr A Tan, Home Office Presenting Officer

For the Respondent: No representation

DECISION AND REASONS

1. This is the Secretary of State's appeal against the decision of Judge Jones made following a hearing at Bradford on 7th August 2017.

Background

2. The claimant is a citizen of Pakistan born on 28th December 1992. He applied for entry clearance to settle in the UK as a spouse but was refused on 4th December 2015.

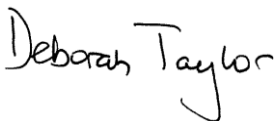
The Entry Clearance Officer was not satisfied that the financial requirements of the Rules were met.

3. The Immigration Judge found in favour of the claimant.
4. The Secretary of State then sought permission to appeal on the grounds that the judge had found that the claimant met the financial requirements of the Immigration Rules but it was clear from paragraph 17 that the sponsor only had an income of £6,857 and savings of £30,133. Since the claimant was relying upon a mixture of earnings and savings he was required to demonstrate £45,357.50 in savings which he was unable to do.
5. The determination is not very clear. However it is quite apparent that the evidence before the judge, and accepted by him, was that the sponsor was in receipt of carer's allowance. Accordingly, under paragraph E-ECP.3.3(v) the claimant only had to show that his partner was able to maintain and accommodate him adequately in the UK without recourse to public funds, and he did not have to meet the level of earnings and savings referred to in the grounds.
6. Mr Tan said that the author of the grounds probably had not seen the determination. He was not challenging the judge's conclusion that the claimant could be adequately maintained and accommodated in the UK on the basis of his sponsor's income and her savings.

Notice of Decision

The original judge did not err in law. His decision stands. The claimant's appeal against the refusal to grant him entry clearance is allowed.

No anonymity direction is made.



Signed
Deputy Upper Tribunal Judge Taylor

Date 17 October 2018