



IAC-FH-NL-V1

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

Appeal Number: VA/20358/2012

THE IMMIGRATION ACTS

**Heard at Bradford
On 17th June 2013**

**Determination
Promulgated
On 25th June 2013**

Before

UPPER TRIBUNAL JUDGE D E TAYLOR

Between

TANZEELA KHAN

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Muhammad Arshad Naz, Sponsor

For the Respondent: Mrs R Pettersen, Home Office Presenting Officer

DETERMINATION AND REASONS

1. This is the Appellant's appeal against the decision of Designated Judge Dearden made following a hearing at Bradford on 21st June 2013.

Background

2. The Appellant is a citizen of Pakistan born on 15th April 1984. She applied to come to the United Kingdom to visit her cousin but was refused on 8th May 2012. The Entry Clearance Officer was not satisfied about her financial position in Pakistan, since her father-in-law's bank statements show large deposits not consistent with the history of the account, and whilst affidavits and land and property documents had been filed, they did not demonstrate evidence of employment or income generation.
3. The judge heard oral evidence from the Sponsor whom he found to be credible, but he said that Mr Naz could not assist him as to where the sums in the family's bank account had come from. The judge noted that the family said that they were employed in agriculture and whilst there were crop receipts, land documents and petrol accounts in the bundle, there was no cogent or persuasive evidence as to their earnings.
4. It was also said that the family had earnings from a carpet manufacturing business but there was no evidence of it. Finally no cogent explanation had been provided as to why the Appellant needed to bring her dependent children with her on holiday. He dismissed the appeal.
5. The Appellant sought permission to appeal on the grounds that it was clear from an inspection of the bank statements that the crop sales receipts provided in support of the appeal correlated with the sums deposited. With respect to the carpet factory the Sponsor did not visit it and did not know any detail but had been told that it existed. Thirdly the Sponsor has 4 year old twins and could not reasonably be expected to leave them behind when she came to the UK for a holiday.
6. On 12th March 2013 the Respondent served a reply defending the determination.

The Hearing

7. Mr Naz took me through the crop receipts in the bundle for February 2012 which did in aggregate match the deposits in the bank account for February and March 2012.
8. He said that when he was giving his evidence in front of the judge he did not have the bank statement in front of him and was told by the judge that he would look at all the receipts and make a decision on the basis of what they said. Since the judge had said he would review the documents he did not say anything else. He accepted that he did not know anything about the carpet factory but said that the whole purpose of coming on the holiday was for his cousin to bring her children to visit his family, one of whom was exactly the same age as his own twins.
9. Mrs Pettersen accepted that there was an error in this determination in respect of the crop receipts although she maintained that the judge was entitled to reach the decision that he did in respect of the evidence of the carpet factory.

Consideration of whether there is a material error of law

10. The judge was entitled to conclude that the Appellant had not adduced satisfactory evidence in relation to the carpet factory and to therefore not place reliance on it as a source of income. However as Mrs Pettersen acknowledged, the judge did not examine the crop receipts and the bank statements with sufficient care because if he had, it would have been apparent that, as the Sponsor said, the source of the income would have been disclosed.
11. The mistake is entirely understandable, since the bank statements are poorly copied and difficult to read and although they match the sums in the bank statement for the relevant months there is not a single deposit of 720,000 rupees, which is the sum mentioned by the Entry Clearance Officer. The sums are the cumulative total of the receipts.
12. Accordingly the judge erred in law in not taking into account relevant evidence and his decision is set aside.

Re-making the Decision

13. The Sponsor gave evidence and said that he had previously sponsored three people before, namely his parents, who stayed from 14th July 2006 until 28th October 2006, his sister-in-law and her daughter who stayed from 7th August 2009 to 22nd October 2009 and another cousin who stayed from 19th May 2011 to 2nd June 2011. He said that the Appellant had 5 year old twins who got on very well with his youngest daughter and they intended to come purely for a holiday. This was a strong family and he guaranteed that she would return to live with her husband.
14. Mrs Pettersen left the decision in my hands.
15. I accept the Sponsor's evidence. He was entirely candid and straightforward. He has a good history of sponsoring relatives in the UK who have all returned within the currency of their visa. I bear in mind that it is the Appellant's intentions which are the most important but there is no reason to doubt that she will not return to her husband and other family in Pakistan. The doubts raised about the family's financial circumstances have been answered. It is plain that she would want to bring her young 5 year old twins with her when visiting the UK rather than leaving them behind.

Decision

16. The original judge erred in law and his decision is set aside. The appeal is allowed.

Signed

Upper Tribunal Judge Taylor

Date