

**Upper Tribunal
(Immigration and Asylum
Chamber)**
VA/14446/2012



Appeal Number:

THE IMMIGRATION ACTS

**Heard at Bradford
On 3rd June 2013**

**Determination
Promulgated
On 12th June 2013**
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Before

UPPER TRIBUNAL JUDGE D E TAYLOR

Between

NAZMEEN SAJAWAL

Appellant

and

ENTRY CLEARANCE OFFICER

Respondent

Representation:

For the Appellant: Mr K Al-Hassan from Aman Solicitors Advocates
For the Respondent: Mr Diwnycz, Home Office Presenting Officer

DETERMINATION AND REASONS

1. This is the Appellant's appeal against the decision of Judge Grant made following a hearing at Hatton Cross on 5th November 2012.

Background

2. The Appellant is a citizen of Pakistan born on 17th April 1990. She applied to come to the UK to visit her two brothers here, Mohammed Amin and Mohammed Saleem, but was refused entry clearance on 13th February 2012. Judge Grant dismissed her appeal stating that there was no evidence from the Appellant save for a brief declaration of completed

when she applied for entry clearance. However it is apparent from the file that her representatives, Aman Solicitors sent to the Tribunal a bundle of papers which was received at Hatton Cross on 2nd November 2012, three days before the hearing. It clearly was not linked to the file

3. The judge therefore erred in law, albeit through no fault of her own, in not taking into account reference evidence when making her decision. Her decision is set aside.

The Hearing

4. I heard oral evidence from one of the Sponsors, Mohammed Saleem. Mohammed Amin is presently in Pakistan having gone there a month ago to see his mother who is unwell.
5. Mohammed Saleem said that he has been in the UK for 22 years having come here on a spouse visa. He only sponsored one visitor in the past, his father, who came on a six month visa in 2005 and stayed for three months. He said that his sister just wants to come to the UK to visit him and his brother and their families. She would return since she lives with her other brother and mother in Pakistan. She is a teacher there and has been given leave from work.
6. Mr Diwnycz made no submissions save to rely on the decision of the Entry Clearance Officer and said that he would leave the decision in my hands.

Findings and Conclusions

7. There is no indication that this is a family who intends to flout the Immigration Rules and no evidence that they have done so in the past. In the original refusal decision the Entry Clearance Officer commented that six of the Appellant's siblings were in the UK but has produced no evidence at all that any of them has acted unlawfully in the past and the mere fact that her siblings reside here is not evidence of an intention not to abide with the requirements of immigration control.
8. The Appellant has close family in Pakistan and a job to return to. The Sponsor gave credible oral evidence unchallenged by the Presenting Officer to the effect that the Appellant intended to return to Pakistan at the end of her stay. I accept his word.

Decision

9. The original judge erred in law and her decision is set aside. The Appellant's appeal is allowed.

Signed
Upper Tribunal Judge Taylor

Date