

**Upper Tribunal
(Immigration and Asylum
Chamber)**
VA/26184/2012



Appeal Number:

THE IMMIGRATION ACTS

Heard at Field House, London

On 5th June 2013

Determination

Promulgated

On 13th June 2013

Before

UPPER TRIBUNAL JUDGE ROBERTS

Between

**MR TANVEER AHMED
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

ENTRY CLEARANCE OFFICER - ABU DHABI

Respondent

Representation:

For the Appellant: No representative

For the Respondent: Mr C Avery, Home Office Presenting Officer

DETERMINATION AND REASONS

1. The Appellant is a citizen of Pakistan who was born on 26th March 1974. He applied for entry clearance to visit the United Kingdom for two months. His brother-in-law was his Sponsor.
2. On 19th June 2012, the Entry Clearance Officer refused the application on the basis that he was not satisfied that the Appellant was a genuine visitor

and was someone who would leave the United Kingdom at the end of his visit.

3. Whilst the Entry Clearance Officer was satisfied that the UK Sponsor would be responsible for the maintenance and accommodation of the Appellant, he was not satisfied of the Appellant's claimed personal circumstances. Consequently he was not satisfied that the Appellant had accurately reflected his circumstances in Pakistan and thus refused the application under paragraph 41(i)(ii), of the Immigration Rules.
4. The Appellant appealed to the First-tier Tribunal. In determining the appeal, Judge Carroll in a determination promulgated on 1st March 2013 dismissed the appeal. She was not satisfied on the evidence before her (including that of the Sponsor) that the Appellant met the requirements of paragraph 41.
5. On 26th April 2013 First-tier Tribunal Judge Nicholson granted the Appellant permission to appeal to the Upper Tribunal. Thus the appeal came before me.
6. At the hearing Mr Avery appeared on behalf of the Respondent. No one attended or appeared on behalf of the Appellant. The Appellant himself is obviously living abroad and his nominated representatives are also in Pakistan. His Sponsor was served with notice of the hearing, but nevertheless did not attend. In all the circumstances I was satisfied that the Appellant had been notified of the hearing and that it was in the interests of justice to proceed.
7. Mr Avery on behalf of the Respondent submitted that a Rule 24 Notice had been served and the lines of his submission followed those contained in the Rule 24 Notice.
8. I begin with the Entry Clearance Officer's reasons. They were as follows:

"You have said that your Sponsor will be responsible for your maintenance and accommodation. From the supporting documents you have submitted, I am satisfied that they are able to meet this responsibility. However whilst I am satisfied of this, I still have to be satisfied of your own personal and financial circumstances in Pakistan and your intention to leave the UK upon completion of your proposed visit. You have said that you work as an agriculturalist earning Rs 25,000 (£174) per month. However you have provided no documentation to support these statements. You have submitted your bank statement however there is no evidence to show where the money has come from. As a result, I am not satisfied that your circumstances are as you have set out or that the bank statement presented is an accurate reflection of your financial position. Given the lack of documentation provided regarding your circumstances in Pakistan, I consider that there is little to encourage you to leave on completion of your visit. All of this means that, on the balance of

probabilities, I am not satisfied that you have accurately presented your circumstances or intentions in wishing to visit the UK now”.

9. On appeal Judge Carroll was satisfied (after hearing evidence from the Sponsor) that the Appellant is a farmer as claimed and that he sells both milk and animals. However the Judge was not satisfied about the amount of income that the Appellant was putting forward. In paragraph 6 of her determination she states,

“The evidence to support the Appellant’s claimed income is, however, to say the least scant”.

She records that there was no evidence to show the origin of the funds deposited in the Appellant’s bank account and that no further information was submitted with the grounds of appeal.

10. Permission to appeal was granted in this case because the Judge was unable to assess a receipt referred to as “a sole cattle receipt”. Permission was granted on the basis that the Judge appeared to have overlooked the translated receipt in the original bundle for the sale of a goat numbered 39 in the top right-hand corner. In fact that error makes little difference to the overall assessment of this appeal.
11. The Judge has noted and accepted that the Appellant is a farmer as claimed and that he sells both milk and animals. What she was concerned about was the lack of documentation to substantiate any of this. One receipt of the sale of a goat cannot be said to alleviate that concern.
12. The Judge was not satisfied looking at the evidence as a whole and on the basis of the evidence I find that the Judge was entitled to find that the Appellant had failed to establish his circumstances in Pakistan and therefore that he was a genuine visitor who intended to leave at the end of the visit. For these reasons the Judge did not err in law in dismissing the Appellant’s appeal under paragraph 41 in particular that he had not met the requirements of paragraphs 41(i) and 41(ii).

DECISION

13. The First-tier Tribunal’s decision to dismiss the Appellant’s appeal under paragraph 41 of the Rules did not involve the making of an error of law and its decision stands.
14. For these reasons, the Appellant’s appeal to the Upper Tribunal is dismissed.

No anonymity direction is made

Signature
Judge of the Upper Tribunal

Dated