IAC-FH-GJ-V1

Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: OA/01113/2012

THE IMMIGRATION ACTS

Heard at North Shields	**Determination Promulgated**
On 20th June 2013	**On 2nd July 2013**

Before

Upper Tribunal Judge Chalkley

Between

AISHA BIBI
(No anonymity order made)

Appellant

and

ENTRY CLEARANCE OFFICER - ISLAMABAD

Respondent

Representation:

For the Appellant: *Mr R Selway of Halliday Reeves Law Firm*
For the Respondent: *Mrs R Pettersen, Senior Home Office Presenting Officer*

DETERMINATION AND REASONS

1. The appellant is a citizen of Pakistan, who was born on 9th March, 1940. She made application for leave to enter the United Kingdom for the purposes of settlement as the dependent adult mother of her son, under

paragraph 317 of Statement of Changes in Immigration Rules, HC 395 ("the Immigration Rules").

2. The appellant's application was made on 10th November, 2011 and the sponsor, her son, is Mohammed Javed Iqbal.

3. The application was refused on 30th December, 2011. The appellant appealed the decision of the Entry Clearance Officer and at a hearing in North Shields on 12th October, 2012, First-tier Tribunal Judge J M Holmes dismissed the appellant's appeal, both under the Immigration Rules and on human rights grounds.

4. The appellant challenged the judge's determination and in grounds submitted by someone describing themselves as "Chris Boyle" of Solicitors, Halliday Reeves, it was suggested that the determination contained numerous errors of law.

5. The first challenge, contained in paragraph 2 of the grounds, claimed that the judge failed to make clear findings on whether or not he agreed with the P60 evidence, or in the alternative that the First Tier Tribunal Judge "applied too high a standard of proof" in failing to accept such evidence. The second challenge, at paragraph 3 of the application, suggested that findings at paragraphs 36 and 37 of the determination were unclear, and that the judge had failed to make reasoned or clear findings. Paragraph 4 of the application asserted that there were numerous receipts for money transfers which the judge had failed to have regard to and paragraph 5 suggested that paragraph 42 of the determination was irrational and could not "be reasoned if correct weight is given to sizeable financial contributions the appellant has made".

6. In paragraph 6 of the grounds it was suggested that the Tribunal had erred by discounting the P60 evidence of annual income over a period of two years and discounting the "sizeable and continuing financial support provided by the sponsor to the appellant". In paragraph 7 of the grounds it is suggested that the findings of paragraph 46 of the determination are at odds with the record of the evidence heard at paragraphs 44 and 45 of the determination, and that the Tribunal had made irrational findings.

7. Paragraph 9 of the grounds suggested that the judge had erred by not accepting the evidence contained within "over reaching an official documentation" in the form of P60s, (which are not official documents at all) and lastly it was asserted that the judge gave "incorrect weight" concerning smaller regular remittances sent by the sponsor.

8. At the hearing before me Mr Selway told me that the grounds, which had been submitted not by his firm, but by previous representatives, rather "overegged the issue". I pointed out to him that the grounds of appeal appeared to have been signed by "Chris Boyle", who described himself or herself as a "solicitor" with Halliday Reeves.

9. Mr Selway told me that in respect of paragraph 4 of the grounds there were only two money transfers and in respect of ground 5, it rather "overeggs the issue" because, there was no evidence of any sizeable financial contribution. At paragraph 6 of the application, again, Mr Selway conceded, there was no evidence of any continuing contributions before the First Tier Tribunal Judge. The finding referred to at paragraph 7 of the grounds was not, Mr Selway told me, "irrational".

10. The finding in the determination at paragraph 46, was not at odds with the preceding two paragraphs, Mr Selway said. The P60 produced by the sponsor showed that the sponsor received just over £2,000 per annum, but if this were divided by 48 weeks, to ignore statutory holidays, it showed, urged Mr Selway, that the sponsor was earning in excess of the income support level.

11. I pointed out Mr Selway that the parties had to eat for the other four weeks of the year and he accepted that on the evidence before the Tribunal, the judge was entitled to conclude as he had.

12. I asked Mr Selway if he could take me to any error of law in the judge's determination and he told me he could not, and that he was in some difficulty.

13. I told Mrs Pettersen that I did not wish to be addressed by her.

14. It was quite properly conceded on behalf of the appellant that the determination of First-tier Tribunal Judge Holmes did **not contain any error on a point of law**.

SUMMARY

The making of the previous decision did not involve the making of an error on a point of law

Upper Tribunal Judge Chalkley