



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

Appeal Numbers: OA/08711/2012
OA/08715/2012
OA/08716/2012
OA/08722/2012

THE IMMIGRATION ACTS

Heard at Field House

On 14th June 2013

Determination

Promulgated

On 4th July 2013

Before

UPPER TRIBUNAL JUDGE RENTON

Between

**RAJINDER KAUR (FIRST APPELLANT)
KAMALPREET KAUR (SECOND APPELLANT)
LOVEPREET SINGH (THIRD APPELLANT)
GURPREET SINGH (FOURTH APPELLANT)
(ANONYMITY DIRECTION NOT MADE)**

Appellants

and

ENTRY CLEARANCE OFFICER - NEW DELHI

Respondent

Representation:

For the Appellants: Mr A Rehman of Mayfair Solicitors

For the Respondent: Ms A Everett, Home Office Presenting Officer

DETERMINATION AND REASONS

Introduction

1. The Appellants are all citizens of India. They are the wife and three children of the Sponsor, Sarabjeet Singh. They applied to join him in the UK for settlement but those applications were refused for the reasons

given in a Notice of Decision dated 10th February 2012. The Appellants appealed, and their appeals were heard by First-tier Tribunal Judge Coutts (the Judge) sitting at Hatton Cross on 23rd January 2013. He decided to dismiss the appeals for the reasons given in his Determination of the same date. The Appellants sought leave to appeal that decision, and such permission was granted on 24th April 2013.

Error of Law

2. I must first decide if the decision of the Judge contained an error on a point of law so that it should be set aside.
3. The Judge dismissed the appeal on the grounds of maintenance only. The Judge calculated that to meet the requirements of the relevant Immigration Rule the Sponsor and his family required an annual income of £27,320. Taking into account the Sponsor's employment at Noon Products Limited and Fashion Mark (School Wear) Limited, the Judge further calculated that the family would have an income of £24,482. The Judge took into account Rajinder Kaur's prospective employment also at Fashion Mark (School Wear) Limited. It was the Appellants' case that any shortfall in required income could be made up by savings held in an Indian bank account which came from the sale of a property. The Judge found that he could not take those savings into account because the documents substantiating them contained in the Appellants' bundle were not translated.
4. At the hearing, Mr Rehman argued that the Judge had erred in law in coming to this conclusion. He had wrongly calculated the income requirement and the family income. The correct figures were as stated in the grounds of application. Mr Rehman acknowledged that there was a still a shortfall which in his submission would be covered by the Sponsor's savings with Barclays amounting to £3,000 and/or the Appellants' savings of about 11,000 Indian rupees. However, Mr Rehman was unable to point to any evidence of the Sponsor's savings which was before the Judge, nor any translated documents showing the provenance of the Appellants' savings.
5. In response Ms Everett was content only to say that the Judge had not erred in law.
6. I find no material error of law so that the decision of the Judge should be set aside. It may be the case that the Judge miscalculated both the income requirement and the family's income. However, even accepting that the calculation made by Mr Rehman is correct, there is still a shortfall which following the decision in **KA and Others (Adequacy of Maintenance) Pakistan [2006] UKAIT 00065** means that there is no error of law in the Judge's decision that the Appellants will not be able to maintain themselves and any dependants adequately without recourse to public funds. The Appellants therefore fail to meet the requirements of

paragraph 281(v) of HC 395. There was no error of law in the Judge's conclusion that he was not satisfied that any shortfall could be covered by savings. There was no evidence before the Judge that the Sponsor had any savings. It was impossible for the Judge to find that the Appellants had credible savings as the documents submitted in support of that evidence were not translated.

7. The Judge made no decision in respect of the Appellants' Article 8 rights. It was not argued in the grounds of application that this amounted to an error of law.

Decision

8. The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.
9. I do not set aside the decision.

Anonymity

The First-tier Tribunal did not make an order; pursuant to Rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005 and I find no reason to do so.

Signed

Date

Upper Tribunal Judge Renton