



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

Appeal Numbers: OA/19511/2010  
OA/19515/2010  
OA/19518/2010

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 16 July 2013**

**Determination  
Promulgated  
On 24 July 2013**

**Before**

**UPPER TRIBUNAL JUDGE ALLEN**

**Between**

**BEGUM MUSSAMMAT BILKIS BEGUM  
KHANOM SAIMA KHANOM  
BEGUM MAHMUDDA BEGUM**

Appellants

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Ms A Khan of Immigration4U  
For the Respondent: Mr K Norton, Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. This is the appeal of Mrs Begum against the decision of the Entry Clearance Officer which was taken on 6 June 2010 refusing entry clearance. She is the wife of the sponsor Mr Miah and the second and third appellants are their children. There was an appeal to a First-tier Judge who allowed the appeal but this decision was challenged by the Entry Clearance Officer who argued that the judge had erred in respect of the validity of the marriage. The appeal had been allowed under paragraph 290 of HC 395.
2. Permission was granted to the Entry Clearance Officer to challenge that decision and the matter came before me in August 2011 and I found that the judge had erred in law. The marriage of the sponsor to the first appellant was a polygamous marriage and therefore not valid in English law since it was clear that Mr Miah was domiciled in the United Kingdom and could not therefore enter into a polygamous marriage.
3. The issue therefore essentially came down to the question of intention under paragraph 290 of HC 395. This is concerned with a person coming to the United Kingdom to marry or enter into a civil partnership. At that stage the appellant's argument was that she was validly married to Mr Miah and therefore she could not properly be said at that stage to have demonstrated an intention to marry him since in her eyes that had already taken place. So that issue had not been addressed by the judge. Article 8 had not been properly considered and so errors of law were found.
4. It is unfortunately the case that nearly two years have elapsed since then due to adjournments in relation to which a number of points have arisen and essentially fallen away, I think it is probably fair to say. There was an issue about the visits made by Mr Miah to Bangladesh at a hearing when he did not have his passport with him. There was an issue raised by the Presenting Officer at the last hearing about another person sponsored by the sponsor but any follow up to that has proved unsuccessful. There was an issue raised last time about the relationships between the various parties but they have been satisfied by a DNA report which establishes clearly the relationship between the relevant parties. It is clear that both the sponsor and the appellant are the parents of the two children.
5. So it comes to the matter of intention therefore and we have had documentation put forward by Mr Miah attesting to visits he has made to Bangladesh in recent times and also documentation about money transfers that have been made.
6. It emerged that as regards the documents produced in 2011 he was in fact in Bangladesh during that time and that matter has properly been explored before me. As Mr Norton says, although it is a slightly complicated business, there is nothing inherently implausible in a system that enables transfers to be made by anybody on a person's behalf once

the initial ID has been established and an ID number has been given and it also makes perfect sense for the transfers to be made to the appellant rather than the sponsor while he was in Bangladesh because she has the necessary ID to facilitate an effective transfer.

7. The evidence is clearly of a marriage that subsists in its polygamous state with the very lengthy regular visits made by Mr Miah. There are statements of intention to marry when the appellant comes to the United Kingdom and there is no reason to doubt the credibility of those statements. Consequently the outstanding issue in this case, that of the intention of the respective parties to marry, is in my view made out and as a consequence the appeal is allowed under the Immigration Rules.

Signed

Date

Upper Tribunal Judge Allen