



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

Appeal Number: VA/29038/2012

**THE IMMIGRATION ACTS**

**Heard at Field House**

**On 14<sup>th</sup> June 2013**

**Determination  
Promulgated**

**On 4<sup>th</sup> July 2013**

**Before**

**UPPER TRIBUNAL JUDGE RENTON**

**Between**

**RUMEL AHMED  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**THE ENTRY CLEARANCE OFFICER - DHAKA**

Respondent

**Representation:**

For the Appellant: Mr Z Khan of Universal Solicitors

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

**DETERMINATION AND REASONS**

**Introduction**

1. The Appellant is a male citizen of Bangladesh born on 1<sup>st</sup> March 1982. He applied for entry clearance to visit his family in the UK for a period of four weeks. That application was refused for the reasons given in a Notice of

Decision dated 23<sup>rd</sup> July 2012. The Appellant appealed that decision, and his appeal was heard by First-tier Tribunal Judge Carroll (the Judge) sitting at Taylor House on 14<sup>th</sup> February 2013. He decided to dismiss the appeal for the reasons given in his Determination dated 25<sup>th</sup> February 2013. The Appellant sought leave to appeal, and on 2<sup>nd</sup> May 2013 such permission was granted.

### **Error of Law**

2. I must first decide if the Judge's decision contained an error on a point of law so that it should be set aside. The Entry Clearance Officer refused the application for leave to enter because he was not satisfied that the Appellant's circumstances in Bangladesh were as claimed and therefore that the Appellant was a genuine visitor for the period as stated by him who would leave the UK at the end of his proposed visit. The Judge dismissed the appeal for the same reasons, having carefully analysed the documentary evidence before him relating to the Appellant's earnings in Bangladesh. At the hearing, it was argued by Mr Khan that the Judge had erred in law in this respect. The documentary evidence submitted showed that the Appellant owned substantial areas of land in Bangladesh which was under cultivation and would therefore produce an income. The documentary evidence also established that the Appellant had an income as claimed from the business known as KCS, and the authenticity of the bank statements relating to the Appellant's income had not been challenged at the hearing. The Judge had attached inappropriate weight to the various different spellings of the full name of KCS given in the documents, and the partnership deed relating to KCS gave details of the partnership which the Judge had commented were missing.
3. In response, Ms Everett submitted that there was no material error of law in the Judge's decision. The problem with the spelling of the full name of KCS had not been material to the Judge's decision. The Judge had come to his finding in respect of that company because the Appellant only had a five percent share in it and there was no documentary evidence as to the profits made by the company. The income of the company could not be estimated from the small number of receipts produced. The discrepancy in the account number of the bank statements produced by the Appellant was put to Mr Khan at the hearing as recorded in paragraph 12 of the Determination.
4. I find no error of law in the decision of the Judge. He carried out a thorough analysis of the evidence before him and was entitled to conclude that he was not satisfied that the Appellant's financial circumstances in Bangladesh were as claimed by him. The Judge gave more than adequate reasons for that conclusion. He cannot be faulted for finding that the documentary evidence did not establish the Appellant's income from the business known as KCS, nor for that matter from any other source. That being the case, the Judge was entitled to find that the Appellant had insufficient ties with Bangladesh to satisfy him that his intentions in proposing to visit the UK were genuine.

**Decision**

5. The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.

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 for me to do so.

Signed

Date

Upper Tribunal Judge Renton