



**UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER**

THE IMMIGRATION ACTS

Heard at: Field House
On: 23 July 2013

Before

Upper Tribunal Judge Pitt

Between

Bakhita Ahmed Mohamed Suliman

(ANONYMITY ORDER NOT MADE)

Appellant

and

Entry Clearance Officer - Cairo

Respondent

Representation:

For the Appellant: Not represented

For the Respondent: Mr Parkinson, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a national of Sudan and she was born on 1 January 1957.
2. This is an appeal against the decision dated 7 May 2013 of First-tier Tribunal Judge Woolley which dismissed the appellant's appeal against the respondent's decision of 26 July 2012 refusing entry clearance as a visitor.
3. The sponsor, Mrs Elzwin, her husband, Mr Ibrahim and the appellant's husband, Mr Elzwin, attended the hearing. They were not

represented. Mr Ibrahim spoke for the family. I provided them with a copy of the Tribunal bundle, explained the nature of the hearing and agreed a summary of the history with them.

4. The background to this matter is that the appellant and her husband applied for entry clearance to visit the sponsor, their daughter. Both were refused. The appeals proceeded independently. At the time of the hearing before Judge Woolley she had before her only documents provided for the appellant's appeal and no information about the husband's appeal. She had been asked to determine the appeal on the papers. She had very little evidence before her. The documents comprised the application form, appeal form, a bank statement of the appellant's husband, a letter stating that accommodation in a rented flat was available in London and a sponsorship declaration and short letter from the sponsor. As in the refusal letter, there was no detail of the sponsor's situation in the UK, no evidence of employment for the appellant's husband and nothing to explain a large deposit in the bank account of the husband. Given the nature of the evidence before her, it was clearly open to Judge Woolley to find that the appellant had not shown that she was a genuine visitor seeking limited leave who would return to Sudan at the end of her stay.
5. This is not to say that her decision was without error. It appeared to me to be perverse to suggest at [15] that the appellant and her husband could not be adequately maintained in a one bedroom flat. The bank statements were endorsed with the name of the bank so were not "unnamed" as in [16]. It remained the case that the large deposit in the bank statement was not explained, there was little information about the husband's income and no evidence of the property the couple claimed to own in Sudan and little information about the sponsor who had claimed to be able to finance the visit. In short, I did not find that it could be said that Judge Woolley had made a material error on a point of law.
6. The presence of the appellant's father at the hearing confirmed the indication in the grounds of appeal to the Upper Tribunal that he had won his appeal and been granted entry clearance. Judge Woolley was not informed of that when she made her decision, however. The sponsor showed me the determination of First-tier Tribunal Phull which allowed the appeal of the appellant's husband and it would seem that additional documents were provided in that matter that assisted the Judge in reaching his decision. Mr Parkinson agreed that if the appellant were to apply for entry clearance in future, that determination, evidence confirming that the appellant's husband had complied with the terms of his current leave and additional documents showing the situation of the family in Sudan and the sponsor in the UK might well assist in obtaining a grant of entry

clearance without need for another appeal.

DECISION

7. The First-tier Tribunal did not err and the decision of Judge Woolley shall stand.

Signed:
Upper Tribunal Judge Pitt

Date: 23 July 2013