



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Numbers: VA/36594/2012  
VA/36596/2012

**THE IMMIGRATION ACTS**

Heard at Field House  
On 4 September 2013

Determination Promulgated  
On 11 September 2013

Before

UPPER TRIBUNAL JUDGE PINKERTON

Between

MRS REHMENA KHAN  
MR HASHIR KHAN  
(ANONYMITY DIRECTION NOT MADE)

Appellants

and

ENTRY CLEARANCE OFFICER - ABU DHABI

Respondent

**Representations:**

For the Appellant: Mr Z Nasim  
For the Respondent: Mr L Tarlow

**DETERMINATION AND REASONS**

**Proceedings**

1. The appellants applied for entry clearance as visitors. Their applications were refused and they appealed the decision. A Judge of the First-tier Tribunal allowed the appeals in a determination promulgated on 25 June 2013. The respondent sought

permission to appeal the decision and this was granted, the judge granting permission commenting that the primary issue was whether the appellants intended to return to Pakistan after the proposed visit. The judge found that they had “every incentive to return to Pakistan after a family visit”.

2. In essence the respondent argues that while there may be incentives for the appellants to return to Pakistan the judge has failed to consider their intentions. In order to meet the requirements of the Rules the appellants must demonstrate that they intend to leave the UK at the end of their visit.
3. Before me Mr Tarlow sought to argue that the determination did not give a balanced view of the evidence.
4. I gave my decision at the hearing which is that the judge has not erred materially in the determination. He was perfectly entitled to come to the conclusions that he did for the reasons that he has given on the evidence provided. Essentially the judge weighed the evidence both for and against the appellants. He found the sponsor to be credible and at paragraph 32 sets out his reasons why on the balance of probabilities the appellants have discharged the burden of proof upon them.
5. If there is any criticism to be made of the judge it is in using the words in the final sentence of paragraph 32 which is that he finds the appellants have every incentive to return to Pakistan after a family visit. Upon a reading of the determination overall it is abundantly clear that the judge was saying no more or less than on the balance of probabilities the appellants would return to Pakistan. He believed the sponsor and took into account the circumstances of the appellants in Pakistan which provided every incentive for them to return. It cannot be argued sensibly that the judge made a finding other than that they would return at the conclusion of the visit.

### **Decision**

6. The First-tier Tribunal Judge did not err in law in the determination and the decision therefore stands that these appeals are allowed under the Immigration Rules.
7. No anonymity direction has been made previously, a direction was not applied for and I do not consider that in the particular circumstances of this appeal an anonymity direction is required.

Signed

Date

Upper Tribunal Judge Pinkerton  
Sitting in the Upper Tribunal