



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number:VA/37730/2012

THE IMMIGRATION ACTS

Heard at Field House
On 24 September 2013

Determination Promulgated
On 25 September 2013

Before

UPPER TRIBUNAL JUDGE KOPIECZEK

Between

ENTRY CLEARANCE OFFICER-CAIRO

Appellant

and

BAHY HUSSIN MOHAMED

Respondent

Representation:

For the Appellant: Mr R. S. Hopkin
For the Respondent: Not represented

DETERMINATION AND REASONS

1. The respondent is a citizen of Egypt born on 4 July 1988. His appeal against a refusal of entry clearance as a (family) visitor was allowed by First-tier Tribunal Judge Page who considered the appeal 'on the papers' on 17 May 2013.

2. Permission to appeal was granted on the basis that it was arguable that the First-tier judge had erred in law in failing to give adequate reasons for deciding that the respondent met the requirements of paragraph 41 of HC 395 (as amended).
3. The refusal of entry clearance, in summary, stated that the respondent had not established that he was a genuine visitor who intended to visit the UK for a limited period not exceeding six months, that he intended to leave the UK, that he met the maintenance and accommodation requirements of the Rules, or that he could meet the cost of the return journey.
4. It was noted that he had only been in his employment as an accountant for two months. He had submitted an untranslated document. The current circumstances in Egypt were said to cast doubt on his intentions in coming to the UK and he had not demonstrated sufficient ties to Egypt. In relation to the sponsor, the notice of decision stated that the Entry Clearance Officer ("ECO") had been "unable to assess the documents" that had been submitted and there was no evidence of the sponsor's ability to fund the trip.
5. First-tier judge Page had before him a number of documents that were submitted with the notice of appeal. He noted that the ECO had not complied with rule 13 of the Asylum and Immigration Tribunal (Procedure) Rules 2005 relating to the filing of documents. He pointed out that therefore, all of the evidence before him emanated from the respondent.
6. At [5] he referred to a bank statement in relation to the respondent which had been translated into English, evidence of his previous employment history (there was a certificate in that regard), the sponsor's P60 and wage slips for the sponsor. He referred to the respondent having said that if allowed to come to the UK to see his wife and her family he would obtain a return ticket. This appears to be a reference to what was said in the grounds of appeal to the First-tier Tribunal. Drafted in the way that the grounds are, the judge was entitled to view this as a statement of evidence from the respondent which in turn he was fully entitled to accept. I also note that the respondent stated that he would return to Egypt and he disagreed with the ECO's suggestion to the contrary. The respondent had also referred in the notice of appeal to the documents he was submitting in support of the appeal.
7. Mr Hopkin accepted that the respondent had referred to documents submitted in support of the appeal. He also conceded that the ECO had not provided a 'rule 13' bundle.
8. I announced at the hearing that I was not satisfied that there is any error of law in the decision of the First-tier Tribunal. I do not accept the contention in the grounds that the judge had not made findings on the issues raised in the notice of decision. The judge identified the evidence that the respondent had submitted. There was evidence of his past employment, a translated bank statement and some evidence of his sponsor's financial circumstances. The judge was entitled to

conclude that the evidence put before him did address the concerns raised by the ECO.

9. The determination would have benefited from a more detailed an analysis of the evidence with reference to the points in contention, but I am satisfied that the judge was entitled to conclude that the evidence established that the respondent had met the requirements of the Rules that were said to be in issue.

Decision

10. The decision of the First-tier Tribunal did not involve the making of an error on a point of law. The decision of the First-tier Tribunal to allow the appeal therefore stands.

Upper Tribunal Judge Kopieczek

24/09/13