



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: OA/00564/2014

THE IMMIGRATION ACTS

Heard at Bradford
On 9th October 2014

Determination Promulgated
On 16th October 2014

Before

UPPER TRIBUNAL JUDGE D E TAYLOR

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

CATHERINE NCUBE

Respondent

Representation:

For the Appellant: Mr Diwnycz, Home Office Presenting Officer
For the Respondent: Sponsor in person

DETERMINATION AND REASONS

1. This is the Secretary of State's appeal against the decision of Judge Grimshaw made following a hearing at Bradford on 23rd June 2014.

Background

2. The claimant is a citizen of Zimbabwe, born on 1st April 1966. She applied to come to the UK as a spouse but was refused, on 19th November 2013, on the grounds that the

Entry Clearance Officer was not satisfied that the relationship between the couple was genuine and subsisting and that the Sponsor could meet the financial requirements of Appendix FM.

3. The judge was satisfied that the couple were in a genuine relationship which had continued since their marriage and that they had a commitment to a shared future.
4. With respect to the financial requirements of the Rules, she saw a letter from the Sponsor's employer and his P60 for the tax year ending April 2014 which showed his gross annual earnings from his employment with Cranswick Gourmet Bacon Company of £20,124.43.
5. The Secretary of State sought permission to appeal on the grounds that the judge had had no regard to the rules of specified evidence. There was still no clear evidence regarding the Sponsor's employment earnings for the qualifying period.
6. Mr Diwnycz helpfully went through the documentation with the Sponsor, and having done so, told me that he was satisfied that the relevant documents established that the Sponsor's earnings were as claimed, even though the documentary evidence referred to in the grounds had not found its way into the Respondent's bundle.
7. He did not wish to dispute the conclusions of the Immigration Judge and withdrew his challenge to the determination, which will therefore stand.

Decision

8. The judge did not err in law and her decision stands.

Signed

Date

Upper Tribunal Judge Taylor