



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

Appeal Number: OA/01427/2013

THE IMMIGRATION ACTS

Heard at Bradford

On 24 February 2014

Determination

Promulgated

On 12 May 2014

Before

**UPPER TRIBUNAL JUDGE CLIVE LANE
UPPER TRIBUNAL JUDGE ROBERTS**

Between

ENTRY CLEARANCE OFFICER - ISLAMABAD

Appellant

and

MUHAMMAD SHAHID

Respondent

Representation:

For the Appellant: Mr J Wardle, Senior Home Office Presenting Officer

For the Respondent: Mr M Shah, Maz Shah Legal

DETERMINATION AND REASONS

1. The respondent, Muhammad Shahid, was born on 1 March 1982 and is a citizen of Pakistan. He had appealed against a decision of the Entry Clearance Officer to refuse him entry clearance to the United Kingdom as a spouse. His application for entry clearance had been made as long ago as 29 May 2012 and, following representations made by the appellant, the

refusal notice of 5 December 2012 had been withdrawn by the Entry Clearance Officer and a fresh refusal notice was issued on 5 June 2013. As Judge Grimshaw sitting in the First-tier Tribunal noted at [4] “the present appeal relates to a decision of the respondent set out in the refusal notice of 5 June 2013”. In that notice, the Entry Clearance Officer had refused the appellant’s application under paragraph 281(iii) and paragraph 320(11) and (19). In her determination promulgated on 17 December 2013, Judge Grimshaw allowed the appeal under the Immigration Rules. Her findings in favour of the appellant in respect of paragraph 281 have not been challenged by the Entry Clearance Officer; the grounds refer only to paragraph 320. Judge Grimshaw rejected the assertion of the Entry Clearance Officer that the appellant should be refused under paragraph 320 finding that the “appellant was not a party to the deception practice on the immigration authorities”. [17]

2. At the outset of the hearing in the Upper Tribunal, Mr Wardle told us that, whilst he was not instructed to withdraw the appeal, he considered it correct to bring to our attention the fact that the grounds sought to rely upon a version of the Immigration Rules which was not in force at the date of the appellant’s application for entry clearance. He told us that it followed that Judge Grimshaw had not erred in law because she had not, as the grounds submit, failed properly to apply the provisions of paragraph 320 as applied at the date of the appellant’s application for entry clearance.
3. We are grateful to Mr Wardle for his assistance and agree with his analysis. We can identify no error of law in the determination of Judge Grimshaw and this appeal is dismissed accordingly.

DECISION

4. This appeal is dismissed.

Signed

Date 4 March 2014

Upper Tribunal Judge Clive Lane