



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

Appeal Numbers: OA046722013
OA046742013
OA046792013
OA046832013
OA046872013

THE IMMIGRATION ACTS

**Heard at Field House
On 19 May 2014**

**Determination Promulgated
On 26 June 2014**

Before

UPPER TRIBUNAL JUDGE PERKINS

Between

ENTRY CLEARANCE OFFICER-ISLAMABAD

Appellant

and

**PEKAI DAULATZAI
HUSNA DAULATZAI
AHMADULLAH DAULATZAI
ADIL DAULATZAI
MUSTAFA DAULATZAI**

Respondents

Representation:

For the Appellant: Ms A Everett, Senior Home Office Presenting Officer

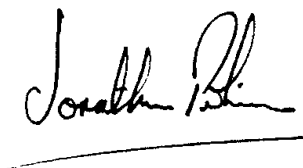
For the Respondents: Ms K Reid of Counsel, instructed by Christopher Matthews
Solicitors

DETERMINATION AND REASONS

1. This is an appeal by the Entry Clearance Officer Islamabad against a decision of the First-tier Tribunal allowing the appeal of the respondents, whom I will call the “claimants”, against a decision of the Entry Clearance Officer refusing them entry clearance to the United Kingdom.

2. Essentially they are the dependent relatives of a person settled in the United Kingdom and they could be allowed to join him subject to other conditions if they can show there is sufficient money for their maintenance.
3. The First-tier Tribunal Judge decided there was sufficient money but it is I think common ground that he made two mistakes.
4. Firstly he did not show in his analysis that he appreciated that money had to be in the form of capital held for at least six months before the date of decision and secondly when deciding how much capital was needed he did his sums wrong and although purporting to follow the formula identified in the Rules he identified the required sum variously as £16,000 or £16,600 when he should have come up with the sum of £19,240.
5. These errors according to Ms Reid for the claimants are not material. Firstly the simple fact is that the evidence supports the finding of £19,240 being available, and although the judge inserted the wrong sum into his calculations inserting the correct sum would have still led him to allow the appeal.
6. The second point is a little more subtle but the fact is that the judge addressed the correct Rule, made it plain that he appreciated the need for the money to be available six months before the date of decision and the evidence shows that the money was available six months before the date of decision but the judge appears to have slightly lost sight of that and so misdirected himself in the determination. The fact is he had satisfactory evidence before him, he identified the correct test and got to the right answer.
7. Ms Reid had made these points in a succinct and helpful skeleton argument which had been disclosed properly to Ms Everett before the hearing although, vexingly, had not come to my attention.
8. In the event this did not matter because it had come to Ms Everett's attention. She considered it carefully and she saw the merits of the position and although not in a position to withdraw or concede the appeal could go no further than relying on the grounds which are justly criticised in the skeleton argument.
9. For these reasons I dismiss the Entry Clearance Officer's appeal. The errors are immaterial to the decision made, so the decision of the First-tier Tribunal shall stand.

Signed
Jonathan Perkins
Judge of the Upper Tribunal



Dated 24 June 2014