



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: OA/15192/2013

THE IMMIGRATION ACTS

Heard at Field House
On 24 October 2014

Determination Promulgated
On 4 November 2014

Before
DEPUTY UPPER TRIBUNAL JUDGE DRABU CBE

Between
MRS THURGAJINI NIRMALNATHAN

Appellant

and

THE ENTRY CLEARANCE OFFICER, CHENNAI

Respondent

Representation:

For the Appellant: Miss D Qureshi of Counsel
For the Respondent: Mr P Nath, Senior Presenting Officer

DECISION AND REASONS

1. The appellant is a married female citizen of Sri Lanka. Her date of birth has been given as 14 November 1982. She was refused entry clearance to join her spouse in the UK for settlement in the UK by the respondent. Her appeal was allowed by Judge Raymond, a Judge of the First Tier Tribunal following a hearing on 4 April 2014 at Hatton Cross. The Judge found that the appellant had proved on a balance of probabilities that her spouse's income was £19,200, and hence exceeded the minimum required amount of £18,600 per annum.
2. The respondent sought and was granted permission to appeal to the Upper Tribunal by Judge P J M Hollingworth, a Judge of the First – tier Tribunal on 2 September 2014.
3. At the hearing before me Mr Nath, representing the respondent, conceded that the grounds of appeal submitted on behalf of the respondent were factually erroneous

in that at the date of the application, the appellant had met the requirements of the Rules on finance. Miss Qureshi took me through the relevant documentary evidence to substantiate the concession made by Mr Nath.

4. In the circumstances it was clear that permission to appeal had been granted on wrongly pleaded facts and that the decision of Judge Raymond was not in error of law. His decision to allow the appeal against the respondent's decision must therefore stand.

K Drabu CBE
Deputy Judge of the Upper Tribunal.
28 October 2014