



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

Appeal Number: OA/16876/2013

THE IMMIGRATION ACTS

**Heard at Glasgow
on 30 September 2014**

**Determination
promulgated
On 30 September 2014**

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

K A DON MIRESH MICHAEL ASHINTHA PIERIS

Appellant

and

ENTRY CLEARANCE OFFICER, Sri Lanka

Respondent

For the Appellant: no legal representative; sponsor present
For the Respondent: Mr M Matthews, Senior Home Office Presenting Officer

No anonymity order requested or made

DETERMINATION AND REASONS

1. The appellant appeals against a determination by First-tier Tribunal Judge Doyle, dismissing his appeal against refusal of entry clearance.
2. Mr Matthews fairly and correctly acknowledged that the respondent and the judge had both gone wrong by considering this case under

paragraph 301 of the Immigration Rules. The correctly applicable provision is paragraph 297. The facts of the case met the requirements of paragraph 297 (i) (a). (Alternatively, if the sponsor's wife was not treated as the appellant's parent, the requirements of paragraph 297 (i) (d) were met.)

3. The determination of the First-tier Tribunal is **set aside**. The appeal, as originally brought to the First-tier Tribunal, is **allowed**.

A handwritten signature in black ink, appearing to read "Hugh Maclemon". The signature is written in a cursive style with a large, stylized initial "H".

30 September 2014
Judge of the Upper Tribunal

In the light of the above decision, a whole fee award is made under rule 23A (costs) of the Asylum and Immigration Tribunal (Procedure) Rules 2005 and section 12(4)(a) of the Tribunals, Courts and Enforcement Act 2007.