



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

Appeal Numbers: VA/09818/2013

THE IMMIGRATION ACTS

**Heard at Newport
On 2 October 2014**

**Promulgated
On 3 December 2014**

Before

**MR C M G OCKELTON, VICE PRESIDENT
DEPUTY UPPER TRIBUNAL JUDGE DAVIDGE**

Between

NAJWA S M KHALAILA

Appellant

and

THE ENTRY CLEARANCE OFFICER

Respondent

Representation:

For the Appellant: No appearance.

For the Respondent: Mr I Richards, Senior Home Office Presenting Officer.

DETERMINATION AND REASONS

1. This is an appeal by a person described as a national of Palestine against a decision of First-tier Tribunal Judge N M Paul, dismissing her appeal against the respondent's refusal of entry clearance for a family visit to the United Kingdom. The appellant is married to a British citizen and has a son who is a British citizen; he was born in February 2013 in the United Kingdom.
2. The principal grounds for refusal were that the appellant's history demonstrated a previous visit very shortly before that proposed and the

Entry Clearance Officer and indeed the judge took the view that it was the intention of the appellant not genuinely to make another short visit to the United Kingdom but to make a settlement application from within the United Kingdom, or in some other way to act as a person other than one intending only a short visit and to return to her country at the end of it.

3. The grounds of appeal submitted by the appellant and her husband without, so far as we know, legal assistance, assert that the suggestions made by the Entry Clearance Officer and accepted by the judge were purely speculative that the only previous visit to the United Kingdom had been that during which the son was born and that there was no basis for thinking other than that the appellant intended the visit of three months which she specified.
4. Today, there is no appearance by, or on behalf of, the appellant. Notice of the hearing was sent to the sponsor at the address which she gave for correspondence, which is the address, so far as we understand it, of her husband. No other address has been given to the Tribunal. In the circumstances we proceed in their absence.
5. In the absence of any substantive submissions other than those to which we have already made reference, it is difficult to see that we could do other than conclude that there was no error of law by the First-tier Tribunal Judge; but there is another factor which we regard as of some importance in this case. The application was made on 6 May 2013. It was said to be an application which needed to be granted because there had been a letter from the son's GP indicating the importance of his having certain injections at about two months after his birth, that is to say in April 2013. The position now, eighteen months later, is that there is no evidence demonstrating that the son has had the injections. The purpose of the visit was to enable him to have them, but we do not know whether other arrangements were made or not: that is of some importance because of the matters raised so specifically by the Entry Clearance Officer. If the real reason for the visit was the son's injections it is surprising that they have played no part in the subsequent assertions made by the appellant and her husband. Be that as it may, the position is that the appellant has entirely failed to show that the judge was not entitled to reach the decision which he reached.
6. There has been some discussion in this case of whether the appellant would be making an application for settlement from Palestine and it may be that an application has already been made. We would emphasise that there is no inhibition on such an application being made during the course of an appeal such as this and we suppose that owing to the very protracted course which for some reason this appeal has taken, the appellant and the sponsor have now reached a view of what action they wish to take.

7. In our judgment, the statement of 29 September 2013 which the judge is said not to have taken into account, adds nothing material to the factors already before him. For the reasons we have given, however, this appeal falls to be dismissed and we dismiss it.

TRIBUNAL

C M G OCKELTON
VICE PRESIDENT OF THE UPPER
IMMIGRATION AND ASYLUM CHAMBER
Date: 12 November 2014