



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

Appeal Number: VA 13513 2013

THE IMMIGRATION ACTS

Heard at Field House

On 30 May 2014

Determination

Promulgated

On 26 June 2014

Before

UPPER TRIBUNAL JUDGE PERKINS

Between

KIM-LOI GARRICK

Appellant

and

ENTRY CLEARANCE OFFICER - KINGSTON

Respondent

Representation:

For the Appellant: No appearance

For the Respondent: Mr Lawrence Tarlow, Senior Home Office Presenting Officer

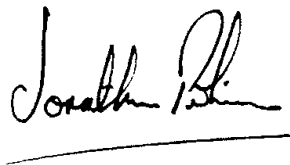
DETERMINATION AND REASONS

1. The appellant did not appear before me and was not represented. A notice of hearing had been out 29 April by airmail and a copy was sent by first-class post to the sponsor in the United Kingdom. That is sufficient time under the Rules for the appellant to have had service and sufficient time for the appellant or the sponsor to at least have contacted the Tribunal to say that they were anxious to take part in the case but did not have time to do anything without further notice. It follows that I decided it right to go ahead in the absence of the appellant.
2. This is an appeal by a citizen of Jamaica who is not quite 13 years old, against the decision of the First-tier Tribunal dismissing her appeal against the decision of the respondent refusing her leave to enter the United Kingdom as a visitor.
3. There were two points taken by the First-tier Tribunal Judge. He was not satisfied that the person the appellant wanted to see was her sister as

alleged and he was not satisfied that the visit was intended to be for only the short period declared in the papers.

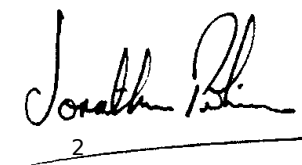
4. There is further evidence before me suggesting it is very probable that the appellant did indeed want to visit her sister. There is a copy of a vignette from a passport in the maiden name of the person she was seeking to visit in the United Kingdom and it is, like this appellant's name, Garrick. Had that been before the First-tier Tribunal Judge he would probably have been satisfied that the appellant wanted to see her sister. However, it was not before him and he is not to be criticised for not considering evidence he did not have. The vignette that I have seen was sent by facsimile on 10 March 2014 but the First-tier Tribunal heard the appeal on 24 February 2014 and the determination was prepared that day. It was promulgated on 12 March. There was nothing to suggest that material that came in after the hearing came to the attention of the judge and there is no reason to expect that to have happened.
5. The finding that the visit was not intended to be for only the short period declared is based on a previous history of overstaying. In her grounds the claimant objects to the description of overstaying because her delayed departure was the result of family circumstances and not her fault and, in any event, the delay was not for very long. All those things are I think correct but the fact is that the appellant's earlier trip to the United Kingdom did not result in her going home at the time she said she would and that without explanation was something that could be properly taken into account by the First-tier Tribunal Judge.
6. Nobody appeared before the First-tier Tribunal to offer him any assistance. I do not see any basis for criticising the judge's finding that he was not satisfied on the evidence.
7. It follows therefore that I dismiss the appeal.
8. It is important to say in case there is any further application that this is not a case where the appellant has been shown to have been dishonest or otherwise to have behaved in a discreditable way. She has simply not produced very much evidence and the judge, as the judge was entitled to do, was not impressed by the evidence that was before him. If the appellant chooses to make a fresh application the fact that this appeal has been dismissed is not relevant except to the extent that it reflects on the quality of her preparation and, possibly, the advice given in respect of this application.
9. In all the circumstances, for the reasons given I dismiss the appeal.

Signed
Jonathan Perkins
Judge of the Upper Tribunal



Jonathan Perkins

Dated 25 June 2014



Jonathan Perkins
2

