



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

Appeal Numbers:
VA/16931/2013
VA/16936/2013
VA/16933/2013
VA/16928/2013

THE IMMIGRATION ACTS

Heard at: Field House

Determination

On: 24th September 2014

Promulgated

On 6th November 2014

Before

DEPUTY UPPER TRIBUNAL JUDGE BRUCE

Between

Entry Clearance Officer, Dhaka

Appellant

and

**Ali Akram
Rabeha Begum
Kawsar Ahmed
Mahbuba Akter**

Respondents

**For the Appellant:
Officer**

Ms Kenny, Senior Home Office Presenting

For the Respondents:

Mr Islam, Immigration Aid

DETERMINATION AND REASONS

1. The Respondents are a Bangladeshi family who all sought entry

clearance to come to the UK as visitors. Their applications were refused and on the 25th June 2014 Judge Troup of the First-tier Tribunal allowed their linked appeals against that decision. The Entry Clearance Officer now has permission to appeal against that decision.

2. One of the issues on appeal had been whether the UK sponsor could accommodate all of his guests. The Sponsor is (a different) Mr Ali Aktar. He is the son-in-law of the two adult Respondents, and the brother-in-law of the two minors. He lives here with his wife, who is the daughter of the first and second Respondents. He came to court and gave oral evidence. He was cross-examined. He explained that he and his wife have three children and that as a result it would be difficult to have his in-laws to stay with them for the entire duration of their trip. It was his intention to accommodate them at another property that he owned, a four bedroomed house nearby to his own home. At the date of the application and decision it was occupied by tenants on a short-hold tenancy. At the point at which his in-laws got their visas it was his intention to give the tenants notice, and prepare the house for their arrival. He provided a mortgage statement showing that the mortgage was paid to date. Judge Troup had regard to that evidence, and finding the Sponsor to be sincere and credible, allowed the appeals.
3. The Entry Clearance Officer now has permission to appeal on the grounds that it was an error to find that there was “adequate” accommodation. Complaint is made that there is no finding that the property was available at the date of decision.
4. These grounds are entirely misconceived. There is no requirement in paragraph 41 that accommodation be ready and available at the date of decision. The rule requires that on that day the decision-maker is satisfied that there “will be” accommodation. It is forward looking. Much like this Sponsor. Perhaps the real complaint in these grounds is that Judge Troup fell into error by believing a witness. As much as the Entry Clearance Officer wishes it so, that is not an error of law. There was absolutely no good reason to think that Mr Akram might be lying, or that he had any intention other than to accommodate his in-laws in his spacious four-bedroom house. The evidence indicated that there would be adequate accommodation, and Judge Troup was perfectly entitled to make the finding that he did.
5. The decision of the First-tier Tribunal contains no error of law and it is upheld.

Deputy Upper Tribunal Judge Bruce
17th October

2014