



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

Appeal Number: VA/17492/2013

THE IMMIGRATION ACTS

Heard at Field House

On 29 July 2014

Determination

Promulgated

On 1 August 2014

Before

DEPUTY UPPER TRIBUNAL JUDGE DAVID TAYLOR

Between

**MUHAMMAD UMAR FAROOQ
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: None

For the Respondent: Mr P Deller, Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant, a 39 year old citizen of Pakistan, has appealed with permission against the decision of First-tier Tribunal Judge Kempton (promulgated on 30 April 2014) who dismissed his appeal against the refusal to grant him entry clearance for the purposes of a family visit. Judge Kempton decided the appeal on the papers and without an oral hearing at the request of the appellant. He thus had no opportunity to test the evidence or hear oral evidence from the sponsor, the appellant's brother, who lives in London.

2. The Entry Clearance Officer had refused the application on 17 July 2013 because he was not satisfied with the financial documentation submitted by the appellant. He was not satisfied, on the evidence, that there would be adequate maintenance and accommodation for him in the UK or that he would be able to meet the cost of his return journey. In general he was not satisfied that the appellant was genuinely seeking entry for the limited period of 14 days, as stated in the application, or that he would leave the United Kingdom at the end of his visit.
3. In his determination, Judge Kempton, at [9] -[11], set out his reasons for dismissing the appeal. Although the appellant claims to be in partnership with another individual it was noted that the appellant was not a signatory on the business bank account, there was no evidence that other funds could be easily liquidated if necessary and, generally, the financial evidence was such that the judge had no confidence that they addressed the reasons for the refusal of entry clearance.
4. Permission to appeal was granted on the basis that it was arguable that the judge had not “properly taken into account the tenor and weight of the available evidence”. That was the essential issue raised in the application for permission to appeal.
5. At the hearing before me, although notice of the hearing had been given both to the appellant and to his London based sponsor, there was no attendance or representation on behalf of the appellant. Mr Deller for the respondent submitted that there was no error of law in the First-tier Tribunal Judge’s determination and that the determination should stand.
6. I agree. It was entirely a matter for the appellant and the sponsor as to whether or not the original appeal and the appeal before me should, in effect, be dealt with on the papers without the attendance of the sponsor. It may be that oral evidence from the sponsor would have assisted but, having examined all the documentary evidence that was before the First-tier Tribunal, I am satisfied that the First-tier Tribunal Judge was entitled to reach the decision that he made and for the reasons that he gave. I am satisfied that there was no error of law in his determination such that it should be set aside.

Decision

There was no error of law in the decision of the First-tier Tribunal and that decision shall stand.

No anonymity direction was requested and none is made.

Deputy Upper Tribunal Judge David Taylor
31 July 2014