



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Numbers: VA/17666/2013
VA/17667/2013

THE IMMIGRATION ACTS

Heard at Field House
On 15th August 2014

Determination Promulgated
On 28th August 2014

Before

UPPER TRIBUNAL JUDGE RENTON

Between

HATIM ELSUNNI ALI
ABUBAKR ELSUNNI ALI
(ANONYMITY ORDER NOT MADE)

Appellants

and

ENTRY CLEARANCE OFFICER - KHARTOUM

Respondent

Representation:

For the Appellants: The Sponsor in person
For the Respondent: Mr P Duffy, Home Office Presenting Officer

DETERMINATION AND REASONS

Introduction

1. The Appellants are citizens of Sudan born respectively on 19th October 1980 and 1st January 1978. They applied for entry clearance to visit their mutual brother, Dr Azhari Elsoni-Ali, the Sponsor. Those applications were refused for reasons given in Notices of Refusal dated 16th July 2013. The Appellants appealed, and their appeals were heard by Judge of the First-tier Tribunal Courtney (the Judge) sitting at

Richmond on 6th June 2014. He decided to allow the appeals for the reasons given in his Determination dated 8th June 2014. The Respondent sought leave to appeal that decision, and on 26th June 2014 such permission was granted.

Error of Law

2. I must first decide if the decision of the Judge contained an error on a point of law so that it should be set aside.
3. The grounds upon which leave to appeal was granted state that the Appellants made their applications for entry clearance on 9th July 2013. That being the case, the appeals should only have been considered on the limited grounds allowed by Section 52 Crime and Courts Act 2013, which came into force on 25th June 2013. At the hearing I asked Mr Duffy if he had any evidence that the applications were in fact made on 9th July 2013 because the Determination of the Judge recorded that they had been made on 2nd June 2013, and the copy application forms VAF1B contained in the file were also dated 2nd June 2013. Mr Duffy was candid enough to say that he had no such evidence and believed that the date given in the grounds was erroneous. He confirmed that he did not contest the substance of the Judge's decision allowing the appeals under paragraph 41 of HC 395.
4. I find no error of law so that the decision of the Judge should be set aside. The only issue in this appeal is the date of the applications for entry clearance. I am satisfied that that date is some date prior to 25th June 2013 when Section 52 of the Crime and Courts Act 2013 came into effect. That being the case there was no error of law in the Judge deciding the appeal without any restriction as to the grounds he could consider.

Decision

The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.

I do not set aside the decision.

Anonymity

The First-tier Tribunal did not make an order pursuant to Rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005 and I find no reason to do so.

Signed

Date

Upper Tribunal Judge Renton