



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

Appeal Number: OA/08673/2013

**THE IMMIGRATION ACTS**

**Heard at Bradford  
On 7 August 2014**

**Decision & Reasons Promulgated  
On 23 March 2015**

**Before**

**UPPER TRIBUNAL JUDGE CLIVE LANE**

**Between**

**BILAL ABDUL NASIR  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**ENTRY CLEARANCE OFFICER - ISLAMABAD**

Respondent

**Representation:**

For the Appellant: Miss Hashmi, instructed by Kingswell Watts, Solicitors  
For the Respondent: Mrs R Pettersen, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant, Bilal Abdul Nasir, was born on 22 August 1982 and is a male citizen of Pakistan. The appellant had applied for entry clearance to the United Kingdom as a partner under paragraph EC-P1.1 of Appendix FM of HC 395 (as amended). The Entry Clearance Officer (ECO) Islamabad refused his application on 20 March 2013 and the appellant appealed to the First-tier Tribunal (Judge Mensah) which, in a determination promulgated on 21 February 2014, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.

2. The grounds of appeal concern findings made by the judge in respect of the sponsor's income. Considering a number of P60s and wage slips provided by the sponsor, the judge noted a discrepancy between the wage slips and the form P60 [9]. The grounds of appeal suggest an explanation for the discrepancy and state that the material to explain the problem which concerned the judge was before her at the First-tier Tribunal hearing. However, for reasons which I will explain below, it was unnecessary for the Upper Tribunal to consider the grounds in detail because this application was bound to fail under the Immigration Rules in any event.
3. In the notice of refusal, the ECO had taken issue with the evidence provided of the sponsor's savings and income. The ECO had written:

Your sponsor is not exempt from the financial requirements as defined by paragraph E-ECP3.3. You have not provided bank statements showing salary payments as evidence of your sponsor's gross income from their employment/you and your sponsor's savings and other income sources. These documents are specified in our guidance and must be provided. You have failed to provide the specified documents of your sponsor's employment. I therefore refuse your application under paragraph EC-P1.1(d) of Appendix FM of the Immigration Rules (E-ECP3.1).
4. The sponsor and appellant have not provided the documents referred to in the refusal notice. In those circumstances, the application was bound to fail. Whilst I acknowledge, from the submissions which I heard in court, that the appellant may have an explanation for the apparent discrepancies which troubled Judge Mensah, the problem posed by the failure to satisfy E-ECP3.1 remain insurmountable. Nothing would therefore be gained by my setting aside the First-tier Tribunal determination since I would have to remake the decision by dismissing the appeal. In the circumstances, I dismiss this appeal.

### **NOTICE OF DECISION**

This appeal is dismissed.

No anonymity direction is made.

Signed

Date 28 February 2015

Upper Tribunal Judge Clive Lane