



IAC-FH-AR-V1

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

Appeal Number: OA/14226/2014

THE IMMIGRATION ACTS

**Heard at Field House
On 4 November 2015
Prepared 4 November 2015**

**Decision & Reasons Promulgated
On 19 November 2015**

Before

DEPUTY UPPER TRIBUNAL JUDGE DAVEY

Between

**GEORGE MARILDASAN
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: None

For the Respondent: Mrs S Sreeman, Senior Presenting Officer

DECISION AND REASONS

1. The Appellant, a national of India, appealed against the Respondent's decision dated 21 September 2014 to make removal directions, a form IS151A having been served on 21 September 2014.
2. The Appellant in exercising a right of appeal out of country essentially sought to argue by reference to his marriage to a UK national, Danielle Louise Maridasan, date of birth 30 May 1989, that he wished to return to the United Kingdom in order to

make himself known to and have a family relationship with her mother and her family in the UK.

3. Various directions were given and whilst it less than clear that the Secretary of State complied with any of them, the fact was that rather belatedly material was sent in advance of a consideration of the case on the papers by the Appellant. The grounds of appeal appear to be dated 25 March 2015 although they are identical to grounds drafted on 7 November 2014. The documents provided were received by the Arnhem Support Centre on 2 April 2015 and consisted of (1) application form, (2) personal letter to the judge, (3) Home Office letter (4) solicitors letter and email (5) property details, a résumé, copy of his passport, copy of marine documentation relating to his employment, copy of a qualification gained, copy of marine courses undertaken, copies of sea service documents, bank details, passport and visa details of his wife and son, medical history, as well an extensive number of photographs. The file also contains photographs of the Appellant and wife undertaking a ceremony of marriage, cutting of the wedding cake and persons present at what appears to be a modestly sized reception
4. Those documents, for reasons that are completely unexplained, were received by the judge, after the judge had signed off the decision on 21 April 2015 and it seemed likely sent it off for e-promulgation. The judge's note, on the envelope containing the above documents, said this "Please note I received notice of these papers after I had completed my determination. As such I have not taken them into account. I suggest copies are made and the originals are returned to the Appellant." Signed by the judge and dated 23 April 2015.
5. There is no obvious explanation as to why they were not sent to the judge earlier but be that as it may they were received by the IAC some two working weeks before the matter came to be considered by the judge.
6. I have therefore considered whether or not those documents make or might make a material difference to the outcome of the appeal, bearing in mind the context that the Appellant's wife intended to join him in India: Where he had reasonably well paid employment, his own home of a significant value and the ability to support his wife. There is no information as to her previous circumstances, employment or otherwise, in the United Kingdom. In the event she has followed him there. So far as I can tell the purpose of the appeal was effectively to remove an adverse decision against his immigration history.
7. In the circumstances, having looked at that material and carefully considered it, it seemed to me that the additional documents did not relate to the issue of whether or not first, the Appellant's wife could not go and live with him in India. Secondly, the additional documents did not suggest there were any personal or other circumstances to show there were insurmountable or other obstacles to prevent her staying with him in India. In the light of the information provided I can find nothing indicated as to her ties or connections or employment or other involvement in the United Kingdom which meant that it was unreasonable for her to remove to India to

be with her husband. It is not suggested that she will be financially destitute or disadvantaged by removing there I note that the Appellant's mother in law has met the Appellant, describing him as

"... a very nice well mannered man as his relationship with my daughter progress. We get along so good, we have family days with my other children. We all get along and George is part of our family. I would be very sad if George had to leave my daughter. She would be heartbroken as would all the family as George is one of us now ..."

8. The marriage issue, on which the judge had not been satisfied, was properly evidenced by one of the later documents. The balance of the later evidence when considered did not show that her leaving the UK to join the Appellant in India would have serious consequences which militated against her being expected to do so or that it was unreasonable to expect her to do so. I do not find that the additional material submitted would have made any difference to the judge's decision on that issue nor to any other tribunal considering the matter.
9. The Original Tribunal made no error of law. The appeal of the Appellant is dismissed.

Anonymity

10. No anonymity order has been made and none was sought or is necessary.

Fee Award

11. A fee has been paid in an unknown sum. The appeal has been lost and therefore no fee award is appropriate.

Signed

Date 12 November 2015

Deputy Upper Tribunal Judge Davey