



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

Appeal Numbers: HU/09512/2015  
HU/09501/2015

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 24 May 2017**

**Decision & Reasons  
Promulgated  
On 30 May 2017**

**Before**

**UPPER TRIBUNAL JUDGE ALLEN**

**Between**

**MRS ARSHIA WASIM (FIRST APPELLANT)  
MISS HOOR-UL-AIN (SECOND APPELLANT)  
(ANONYMITY DIRECTION NOT MADE)**

Appellants

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellants: Mr Z Nasim, instructed by Milestone Chambers  
For the Respondent: Mr P Singh, Home Office Presenting Officer

**DECISION AND REASONS**

1. This is the appeal of Mrs Wasim and her daughter against the decision of the First-tier Judge who dismissed their appeal against the Entry Clearance Officer's decision of 14 October 2015 refusing entry clearance to enable

them to join the sponsor, Mr Malik, who is the husband of the first appellant and father of the second appellant, in the United Kingdom.

2. The appeal was dealt with on the papers by request. I need not go into any great detail in what I say about the judge's decision, except to say that the appeal was dismissed on the basis that as it was not shown that the sponsor was permanently residing in the United Kingdom, it was concluded that the requirements to the Rules could not be met, but among other things an ongoing concern of the respondent was with regard to the ability of the appellants to meet the financial requirements of the Rules. This was purported to be done by means of a gift that had been made to the first appellant by her father, and it is clear from the judge's paragraph 9 that he accepted the deed of gift as valid and the respondent was not justified in rejecting it for the reason that she gave and there is no challenge to that finding.
3. When the matter came to the First-tier Judge, Judge Gibb, on the application for permission, he noted (very helpfully at paragraph 4) that as in the grounds of appeal it was pointed out that the sponsor had been intending to travel with the appellants, under the Immigration Rules there was an exception in the case where a sponsor with settlement, as in this case, is travelling with his family for the purposes of settlement is not required to be present in the United Kingdom, and that point had been raised in the grounds of appeal factually rather than as a legal submission. That point was very properly and helpfully accepted by the respondent in the Rule 24 response and the only outstanding issue then was the issue of financial support and since the drafter of the Rule 24 response did not have sight of the judge's decision she could not have known that in fact the judge had accepted that the deed of gift was valid. Those two points essentially dispose of the outstanding issues in this appeal. It is accepted and is common ground that the sponsor was not required to be in the United Kingdom and the judge found that the deed of gift was valid and therefore the requirements of the Rules as regards financial matters were met, so as a consequence, in substitution for the judge's decision dismissing the appeals, is a decision allowing them.
4. No anonymity direction is made.



Signed

Date 25 May 2017

Upper Tribunal Judge Allen