



Ms. , Farkhunda
H No 1196, St No 8 I 102
Islamabad
PAKISTAN

Date : 7 August 2008

THE IMMIGRATION ACTS

Appeal No: VA/19096/2008
Appellant: Ms. , Farkhunda
Respondent: Visa Officer

HO Ref:
Port Ref:
FCNumber: 1434549
Reps Ref: P00271

To the Appellant and Respondent

Enclosed is the Tribunal's determination of the above appeal.

Either party may apply to the appropriate court (*the High Court or, where the Appeal was decided in Scotland, the Court of Session*) for a review of the Tribunal's decision on the ground of an error of law.

Any application must be made in accordance with the relevant Rules of Court and must be made within 5 days of receipt (or deemed receipt) of this determination, except where the Appellant is outside the United Kingdom, in which case any application by the Appellant must be made within 28 days of receipt (or deemed receipt) of this determination.

All applications must be sent to:

Secretary to the Asylum and Immigration Tribunal:

Arnhem House Review Applications, Arnhem Support Centre (Tribunal), P O Box 6987, Leicester, LE1 6ZX.
Fax: 0116 249 4214

Clerk to the Tribunal

Copy issued to Representative: Vincent Solicitors, UB1 IRT
Copy issued to Home Office: Presenting Officers Unit, Hatton Cross, TW14 8HA



ALL CORRESPONDENCE SHOULD BE SENT TO THE ADDRESS AT THE TOP OF THIS NOTICE QUOTING THE APPEAL NUMBER AND ANY HEARING DATE

Appellant Copy

Ver 1.02

AIT75

THE IMMIGRATION ACTS

Heard at Hatton Cross
On 5th August 2008
Prepared 5th August 2008

Determination Promulgated
07 AUG 2008
.....

Before

DESIGNATED IMMIGRATION JUDGE DIGNEY

Between

MS FARKHUNDA¹

Appellant

and

ENTRY CLEARANCE OFFICER - ISLAMABAD

Respondent

Representation:

For the Appellant: Ms Akinbolu

DETERMINATION AND REASONS

1. The appellant, a citizen of Pakistan, applied for entry clearance to come to the United Kingdom to visit her son for about four weeks. The application was refused for reasons that are contained in the Notice of Refusal dated 5 December 2007. The present appeal is against that refusal.
2. The relevant Immigration Rules are contained in paragraph 41 of HC 395 and I have applied them in deciding this appeal. They are set out in the Notice of Refusal and I do not propose to repeat them here.
3. The burden of proof is on the appellant and the standard of proof is a balance of probabilities. I have to decide whether the decision was correct at the time it was

¹ Nowhere in the papers does a first name appear.

made. I have given consideration to the documents attached to this appeal including the reasons for the respondent's decision and noted the grounds of appeal.

4. In rejecting the application the Entry Clearance Officer makes a number of points. He first states that all the documents provided with regard to the appellant's son who is to sponsor her in this country are photocopies and in those circumstances it is impossible to conclude that they are genuine. He secondly states that there is no evidence relating to the appellant's social and domestic circumstances in Pakistan and therefore it is impossible to conclude that she has a sufficient stake in the country for it to be possible to conclude that she intends to return there at the end of her holiday. In the light of those matters he was not satisfied that the appellant was a genuine visitor or that she would leave the United Kingdom on completion of her proposed visit.
5. The appellant's son, Mr Nasir Paeiz, provided a statement, a large amount of documentation and attended and gave evidence. I have been shown the originals of the documents that were sent to the Entry Clearance Officer and there is no reason to suppose that they are anything other than genuine.
6. The sponsor and his wife between them earn something over £50,000 a year and have a mortgage of about £1,000 a month. The couple have three children. Having looked at the documentation that he has provided and the cash that flows in and out, it is quite clear that he has adequate means to cover the costs of a relatively short holiday. He also gave evidence in relation to his mother's life in Pakistan where she lives with her husband, not his father as it is his mother's second marriage, and three children who are aged 7, 6 and 4. Her husband runs a taxi business and also owns two or three properties. There is also a large amount of documentation confirming that the appellant does live as claimed and has children and a husband as claimed. It is apparent that she has a good stake in her country both from a domestic and economic point of view and there is no reason to suppose that she has any desire to move permanently to this country nor is there any evidence to support such a contention.
7. It follows that I am satisfied that the appellant does intend to leave this country at the end of her visit. All the conditions in the rules are satisfied and the appeal must therefore be allowed.

The appeal is accordingly allowed

Signed P Digney

Date 5.8.8

Designated Immigration Judge Digney