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Date : 16 December 2010

THE IMMIGRATION ACTS

Appeal No: VA/24068/2010
Appellant: Mr. Raja Abdul Majeed
Respondent: Visa Officer

HO Ref:
Port Ref:
FCNumber: 409918
Reps Ref: qla/isb/pk/409918

To the Appellant and Respondent

Enclosed is the First-tier Tribunal's determination of the above appeal.

Either party may apply to the First-tier Tribunal for permission to appeal to the Upper Tribunal on a point of law arising from the First-tier Tribunal's decision.

Any application must be made in accordance with the relevant Procedure Rules and must be made within 5 days of 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 of this determination.

All applications must be sent to:

First-tier Tribunal:

Field House, 15 Breems Buildings, London, EC4A 1DZ

QAZI LAW ASSOCIATES
ISLAMABAD
24 DEC 2010
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Clerk to the First-tier Tribunal

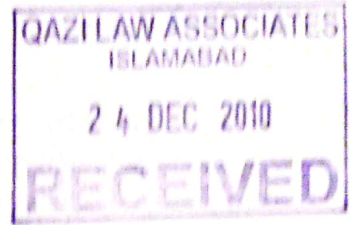
Copy issued to Appellant: Mr. Raja Abdul Majeed,
Copy issued to Home Office: Presenting Officers Unit Angel Square, EC1V 1NY



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

Representative Copy

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IAC-AH-DN-V1

First-tier Tribunal
(Immigration and Asylum Chamber)

Appeal Number: VA/24068/2010

THE IMMIGRATION ACTS

Determined On the Papers at Taylor House
On 5 December 2010

Determination Promulgated
16 DEC 2010
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Before

IMMIGRATION JUDGE NEUBERGER

Between

MR RAJA ABDUL MAJEED

Appellant

and

ENTRY CLEARANCE OFFICER - ABU DHABI

Respondent

DETERMINATION AND REASONS

1. The appellant is a citizen of Pakistan now aged 38 years. He appeals against a decision of the respondent refusing to grant him entry clearance to the United Kingdom as a visitor under the requirements of paragraph 41 of HC 395.
2. The relevant sections of the notice of refusal read as follows:

"You have applied for an entry clearance to the United Kingdom as a general visitor for one week.

I have refused your visa application on this occasion because I am not satisfied, on the balance of probabilities, that you meet all of the requirements of paragraph 41 of the Immigration Rules.

The Entry Clearance Officer's reasons and supporting evidence

I am satisfied that you meet the requirements of paragraph 41 of the Immigration Rules, except for the following:

In support of your application now you have provided a business bank statement from Rajco International. However this account represents funds used for the activities and running of the business, and there is no satisfactory evidence that these funds are available to support anything else. You have not provided evidence to show that you are a signatory to this account, or that funds may be available to you by any other company or official authority. Furthermore these funds do not necessarily reflect an individual's personal financial circumstances, even if that individual is the sole owner of the company. I am not therefore satisfied that this bank statement accurately reflects your personal circumstances nor that the indicated funds will be available for your exclusive use. You have provided no satisfactory evidence of other funds being available to you, or of your own personal and financial circumstances in Pakistan. I am not satisfied that you will maintain and accommodate yourself and any dependants adequately out of the resources available to you without recourse to public funds or taking employment. I am also not satisfied that you can meet the cost of the return or onward journey. 41(vi)(vii)

On your application you have stated that you have made available £5,000 of your own money to spend on your visit. I am aware that this appears to be two times your indicated monthly income. However, noting that you support your wife and two children I am not satisfied that it is reasonable to make this proposed expenditure given your domestic and financial circumstances in country. In addition, you have not provided satisfactory evidence as to how you will support yourself and your family during your long visit. Furthermore you have not provided other satisfactory evidence of your own personal and financial circumstances. I am not satisfied as a result as to your intentions in wishing to travel to the UK now. I am not therefore satisfied that you are genuinely seeking entry as a general visitor for a limited period as stated by you, not exceeding 6 months, nor am I satisfied that you intend to leave the United Kingdom at the end of the period of the visit as stated by you. 41(i)(ii)

I therefore refuse your application."

3. A notice of appeal was lodged and a copy of the lengthy grounds of appeal, written in an appalling English is annexed to this determination as an Appendix.
4. In the appeal papers the appellant has clearly stated that he does not wish to have an oral hearing of his appeal but is content for the matter to be determined on the basis

of the documents on the file alone. Accordingly, on 23 September 2010 the office of the First-tier Tribunal wrote to both the appellant at his stated address in Islamabad, Pakistan, and to his nominated representatives Qazi Law Associates of the same city, informing them that this would be done and inviting them to make any further written submissions which they might care to make provided that these were received by 18 November 2010. They did not respond and in the circumstances I exercise a discretion conferred on me by Rule 15(2) of the Asylum and Immigration Tribunal (Procedure) Rules 2005, to determine this appeal on the basis of the documents on the file alone.

5. In this appeal the onus is on the appellant to show that on the balance of probability he satisfies the requirements of paragraph 41 of HC 395. I have given careful consideration to all the documents on the file and am prepared to allow the appeal as I do believe that the appellant has indeed adequately allayed the concerns of the respondent. The respondent was concerned that whilst the appellant's business bank statements show that his company had adequate funds to finance a visit to the United Kingdom, nevertheless there was no evidence to show that these funds were available for the appellant's personal use and not solely for the business. However it is quite clear that the appellant is the sole proprietor of his business and the only signatory over the accounts and it is entirely up to him as to how he spends the monies.
6. Secondly, the respondent was concerned that the appellant had not shown that bearing in mind that he had a wife and two children to support, how he would support himself and his family during his visit. However, here again, the appellant has provided evidence to show that he has ample funds available to enable him to travel and at the same time to support his wife and children, especially as he only wishes to come to the United Kingdom for one week. I am quite satisfied from the documentation lodged, that the appellant is indeed a successful businessman who merely wants to come to the United Kingdom for a short visit. I cannot believe that he would remain illegally and desert his wife and two children and I am quite satisfied that a genuine visit only is intended. There is absolutely no evidence whatsoever that the appellant has any intention whatsoever of overstaying and accordingly I am pleased to allow the appeal.

Decision

The appeal in respect of the Immigration Rules is allowed.

Signed

m. neuberger

Immigration Judge Neuberger

Date: 13th December 2010