



FIRST-TIER TRIBUNAL

Customer.Service@tribunals.gsi.gov.uk
(For General Enquiries Only)
www.tribunals.gov.uk

Arnhem Support Centre
P O Box 6987
Leicester
LE1 6ZX

Ph: 0845 6000 877
Fax: 0116 249 4130
Minicom: 0845 606 0766

Qazi Law Associates
3 Block
14-E Ayub Mark
Et F-8 Markaz
Islamabad
PAKISTAN

Date : 8 September 2010

THE IMMIGRATION ACTS

Case No: VA/13535/2010
Appellant: Mr. Khan, Muhammad
Respondent: Visa Officer

HO Ref:
Port Ref:
FCNumber: 380326
Reps Ref: QLA.ISB.PK/380326&
380341/10

To the Appellant and Respondent

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

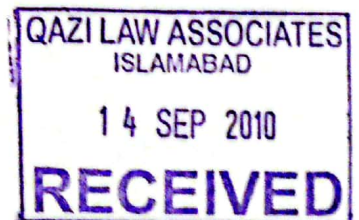
Either party may apply to the First-tier Tribunal for permission to appeal to the Upper Tribunal on a point of law arising from the First-tier Tribunal's decision.

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



Clerk to the First-tier Tribunal

Copy issued to Appellant: Mr. Khan, Muhammad.
Copy issued to Home Office: Presenting Officers Unit Springfield House, LS1 2AY



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



First-tier Tribunal
(Immigration and Asylum Chamber)

Appeal Number: VA/13535/2010;
& VA/13534/2010

THE IMMIGRATION ACTS

Heard at Bradford
On 26th August 2010
Prepared on 2nd September 2010

Determination Promulgated

8th of September 2010

Before

IMMIGRATION JUDGE
Mr B COX

Between

KHAN MUHAMMAD

First Appellant

Ms ASMARA BIBI

Second Appellant

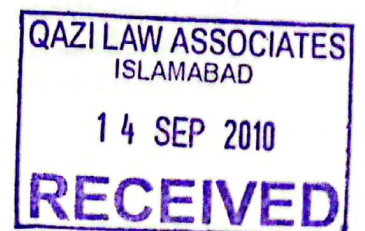
and

AN ENTRY CLEARANCE OFFICER

Respondent

Representation

The Appellant was unrepresented
For the Respondent: Mr N Fuller (Home Office Presenting Officer)



DETERMINATION AND REASONS

1. The Appellants are Pakistani nationals born on 05/06/1971 & 01/11/1984 respectively. The Appellants applied for a visa to enable them to visit relatives in the United Kingdom for 3-4 weeks.
2. The Appellants' applications were refused by an Entry Clearance Officer (ECO) in Abu Dhabi on 24/2/2010.
3. The First Appellant (the Appellant) is the Second Appellant's husband and the ECO's reasons for refusing the applications are linked. Applying paragraph 20 of the 2005 Procedure Rules I find I am entitled to determine the appeals together.
4. The ECO considered and applied the provisions of Paragraph 41 of HC 395 (the Immigration Rules). The applications were refused because the ECO was not satisfied that the Appellants:
 - were genuinely seeking entry as visitors for the period and purposes of the visit as stated (41(i)); and
 - intended leaving the United Kingdom on completion of their proposed visit (41(ii));
5. The grounds of appeal are detailed, but do not raise human rights grounds.
6. The Respondent provided an explanatory bundle for the Appellant and the Appellants' representative submitted a bundle of documents in June 2010. The documents within the Respondent's explanatory bundle form part of the Appellants' bundle. The documents include the Appellants' application forms, an Immigration Judge's determination in respect of the First Appellant and evidence of their circumstances in Pakistan.
7. The Appellants' representative, Qazi Law Associates (in Pakistan) sent an urgent fax to the Tribunal on 24 August 2010. The fax stated that the Sponsor would not be able to attend the hearing and asked for the appeal to be determined on the papers.
8. Having carefully considered all the circumstances and the Procedure Rules, I find I am satisfied that the Appellants have been given notice of the date, time and place of the hearing. In accordance with paragraph 19 of the Procedure Rules I proceeded to determine the appeal in the Appellants' absence.

Findings & Reasons

9. The Appellants have to satisfy me, on the balance of probabilities that at the date of decision they satisfied all the requirements of the relevant immigration rules (Kwok on Tong [1981] Imm AR 214). As these are out of country appeals against refusals of entry clearance, I may only consider evidence appertaining at the time of the ECO's decision [sec 85(5)(b), Nationality, Immigration and Asylum Act 2002].
10. In reaching my decision I have considered all the evidence before me, even if I have not specifically referred to all of it, when setting out my reasons for the decision. The issues before me are those matters set out at paragraph 4 above, as the ECO and I

were satisfied that the Appellants met the other requirements of the rules. The Home Office Presenting Officer agreed and formally asked me to dismiss the appeal.

11. It is the Appellant's case that since 13 March 2001 he has been a police officer in Islamabad and earns a salary of Rs 22,467/- per month. In addition he owns some property which he rents out and receives Rs 5,500 per month. He was previously married and had 3 children with his first wife. They live with her. He married the Second Appellant on 7/12/2009 and lives with her and her 2 children.
12. It is the Second Appellant's case that she is a housewife. Following the death of her First husband she received substantial funds from his employers and a life insurance policy. She invested some of the money in property and saved the rest. She has 2 children from her first marriage and they now all live with the Appellant.
13. The Appellants stated that they intended to pay their airfare and the Sponsor (Mohammad Haroon) would be paying for their expenses in the UK, such as accommodation and food.
14. The ECO noted that the Appellant's bank statement showed deposits in excess of his stated income. The ECO stated that the Appellant had not provided any evidence to show the origins of these funds and the ECO was not satisfied that the bank statements accurately reflected the Appellant's personal circumstances.
15. In addition, the ECO noted that the Appellant had savings of just over £2000, whilst the Second Appellant had received around £11000 from her deceased husband. However, the ECO also noted that she had no other source of income and that the Appellant had 3 children from his first marriage to support as well as his step-children. In addition, the Appellant had visited his cousin as recently as July 2009. Accordingly, the ECO was not satisfied that the Appellants' intention to spend over £2000 on the trip was not commensurate with their financial circumstances.
16. I note that the Appellant's bank statement showed monthly payments going into his account of around Rs22,000, which were described as 'salary' and he provided other evidence of his employment, such as payslips. In my view the Appellant has provided ample documentary evidence of his employment and I note that the ECO did not challenge or dispute that the Appellant was a police officer. On the totality of the evidence, I find and I am satisfied that he is a serving police officer in Pakistan.
17. The Appellant was previously refused a visit visa, but appealed and an Immigration Judge allowed his appeal (see Determination promulgated 06/03/2009). As a result the Appellant came to the UK on 2 August 2009 and stayed for about five weeks.
18. However since then the Appellant's circumstances have changed. In particular he married the Second Appellant on 7/12/2009 and started living with her and her two children. In the grounds of appeal the Appellant stated that the purpose of this visit was to enable the Second Appellant and his family in the UK to meet and get to know each other. He was only able to come for 3 – 4 weeks because of his work commitments.
19. In respect of the large deposit in the Appellant's account, the Appellant explained

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that this was money that had been transferred into his account by the Second Appellant. He provided the Second Appellant's bank statement and I note that there are withdrawals from that account consistent with the funds deposited into the Appellant's account. The Appellant also explained that the 2nd Appellant had transferred the funds into his account because they intended to use his account to pay their airfare and any additional expenses that they may have whilst in the UK.

20. I also note that there is an Affidavit from the Appellant's first wife, which confirmed that she has sole responsibility for their 3 children.
21. In my view, the Second Appellant has also provided ample evidence of her personal circumstances. In particular she provided evidence of her assets, following the death of her first husband. These included a financial contribution of Rs2,000,000 by his former employer (see letter dated January 04 2008 from his employer). In addition she received Rs573,000 in respect of a life insurance policy (see the life insurance documents). The Second Appellant stated that she invested some of the amount by purchasing National Savings Certificates and she bought some property (there are land deeds on file).
22. I note that the Appellant has now addressed the key issue raised by the ECO namely the origin of some of the funds in his account. In any event it is my view that the Appellants' have strong social and economic ties to Pakistan. The First Appellant has an established and responsible job and the Second Appellant has substantial assets in Pakistan. In addition the Second Appellant's 2 children will remain in Pakistan.
23. On the totality of the evidence, I find I am satisfied that the Appellants' purposed trip is commensurate with their financial circumstances and I find I am satisfied that the Appellants':
- were genuinely seeking entry as visitors for the period and purposes of the visit as stated; and
 - intended leaving the United Kingdom on completion of their proposed visit
24. In conclusion, I find I am satisfied that at the date of decision the Appellants met all the requirements of the immigration rules and I allow their appeals.

DECISIONS

Appeals allowed



Signed
B Cox, Judge of the First-tier Tribunal

Date 7th of September 2010