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PAKISTAN

Date : 3 February 2010

### THE IMMIGRATION ACTS

Appeal No: VA/38669/2009  
Appellant: Mr, Muhammad Akbar, Mughal  
Respondent: Visa Officer

HO Ref:  
Port Ref:  
FCO Number: 1425317  
Reps Ref: QLA/ISB/1425317

#### To the Appellant and Respondent

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

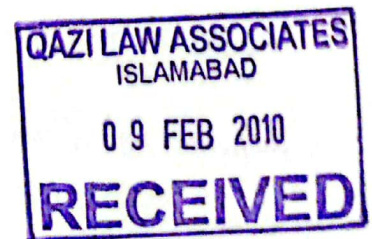
Either party may apply to the appropriate court (*the High Court or, where the Appeal was decided in Scotland, the Court of Session*) for a review of the Tribunal's decision on the ground of an error of law.

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.

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 Appellant: Mr, Muhammad Akbar, Mughal,  
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**

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Asylum and Immigration Tribunal

Appeal Numbers: VA/23216/2008  
VA/38669/2009

**THE IMMIGRATION ACTS**

Determined On the Papers at Hatton Cross  
On 25<sup>th</sup> January 2010

Determination Promulgated  
- 4 FEB 2010  
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Before

IMMIGRATION JUDGE ADIO

Between

MR MUHAMMAD AKBAR MUGHAL

Appellant

and

ENTRY CLEARANCE OFFICER - ISLAMABAD

Respondent

**DETERMINATION AND REASONS**

**Details of Appellant and Issues under Appeal**

1. The Appellant is a Pakistani citizen and he is 38 years old. He appeals against the decision of the Respondent dated 23<sup>rd</sup> June 2009 to refuse to grant entry clearance as a family visitor under paragraph 41 of the Immigration Rules. The appeal is brought pursuant to Section 82(1) of the Nationality, Immigration and Asylum Act 2002.
2. Initially, the Appellant's appeal under VA/23216/2008 was allowed on 22<sup>nd</sup> August 2008 to the limited extent that the facts had to be considered by the Entry Clearance Officer. The application has since then been refused under VA/38669/2009 hence the linked appeals. In the present refusal letter the Respondent noted that the Appellant claims to earn Rs80, 000 to Rs150, 000 per month but that he had not provided reasonable evidence of this. The Respondent noted that the tax return for 2006 shows an income of Rs100,000, the tax return for 2007 shows Rs60,000 and the tax return for 2008 shows Rs159,720. The Respondent was not satisfied that the personal circumstances of the Appellant in Pakistan were as claimed and it was

therefore concluded that the Appellant is not a genuine visitor who would leave on completion of his visit.

### Findings of Fact

3. Each appeal is to be decided on its own facts. The burden of proof is on the Appellant and the standard of proof is on a balance of probability. I have taken into account the documentary evidence before me. The Sponsor in the UK states that he is willing to maintain and accommodate the Appellant. He stated that he produced oral evidence before the AIT in 2008. I note that Mr Mohammad Afzal Mughal did appear before the Tribunal on 12<sup>th</sup> August 2008 and gave evidence in support of his brother. The Sponsor is willing to reiterate his sponsorship of his brother in the UK. In addition I note that the Appellant has submitted detailed Grounds of Appeal as well as evidence of transactions and agreements involving business.
4. The Appellant has also given details of cheques paid to him by his brother Mr Umer Mughal. He has given details of rental income from shops as well as rental income from a mobile links cellular company, mobile tower. He has also evidenced agreements with regard to this income. The Appellant also details in his Grounds of Appeal sources of his funds. In view of the detailed Grounds of Appeal which state the source of the funds which was available to the Appellant and the fact that he has a Sponsor in the UK who is willing to maintain and accommodate him, I find that with the amount of business the Appellant is doing in his own country he has satisfied me on a balance of probabilities that he is a genuine visitor who will leave the UK on completion of his visit. I find that the Entry Clearance Officer has failed to give adequate weight to these detailed Grounds of Appeal and I am satisfied on a balance of probability that in view of the Appellant's family ties and business ties in Pakistan as highlighted in the Visa Application Form that he meets the requirements of paragraph 41 of the Immigration Rules.

### Decision

The appeal is allowed in respect of the Immigration Rules.

Signed

Date 1 February 2010

Immigration Judge Adio

