



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

Appeal Number: VA/29680/2012

THE IMMIGRATION ACTS

Heard at Bradford

On 16 October 2013

**Determination
Promulgated**

On 25 November 2013

Before

UPPER TRIBUNAL JUDGE CLIVE LANE

Between

MUHAMMAD RIAZ QURESHI

Appellant

and

ENTRY CLEARANCE OFFICER - ABU DHABI

Respondent

Representation:

For the Appellant: Not present or represented

For the Respondent: Mr Diwnycz, a Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant, Muhammad Riaz Qureshi, was born on 8 June 1993 and is a citizen of Pakistan. The appellant had applied for entry clearance to the United Kingdom as a family visitor. His application was refused by the Entry Clearance Officer Abu Dhabi in a decision dated 19 July 2012. The appellant appealed to the First-tier Tribunal which, in a determination

which was promulgated on 27 February 2013, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.

2. By a letter dated 23 May 2013 subject to Rule 24 of the Tribunal Procedure (Upper Tribunal) Rules 2008 the respondent stated that she did not oppose the appellant's application noting that "the reasons for dismissing the evidence before [the judge] appear inadequate on the whole". In the circumstances, I have set aside the determination and remade the decision.
3. I had a number of documents which had been submitted by the appellant together with the application and subsequently before the First-tier Tribunal. I consider these documents carefully before determining the appeal. The sponsor did not attend and gave no reason for failing to do so. I note that the sponsor did not attend on the last occasion.
4. The appellant seeks a visa to visit the United Kingdom for a period of four weeks in order to visit his uncle, Khalid Mahmood. The appellant estimated his total monthly income in the region of 65,000 rupees. The appellant himself intended to meet the costs of travel but will rely upon his sponsor for accommodation and other expenses. As of 27 June 2012, the appellant's bank account (Allied Bank) had a credit balance of 12,550 rupees. The application was refused under paragraphs 41(i) and (ii):

"CNL insert paragraph 41(i) and (ii)"

5. The ECO was not satisfied that the appellant's documents were sufficient to show that he was self-employed as a movie maker. It was also noted that the appellant's passport indicated that he had never left Pakistan before. The ECO "noted that you have not indicated anyone being reliant on you [in Pakistan]".
6. The appellant had, amongst other documents, included certificates from the Assistant Collector and Secretary of the Municipal Committee and also his bank manager.
7. The decision of the Entry Clearance Officer was reviewed by an Entry Clearance Manager (ECM) on 19 November 2012:

"In the grounds of appeal the appellant asserted that he had his own business as well as having an income from agricultural land. He also stated the bank balance certificate was provided as proof of his savings and not his monthly income. Furthermore, he stated in support of his circumstances he was providing a letter from the municipal community Kotli and a certificate from the assistant collector. However, he has not provided any details as to how he has collected his claimed income and I am unable to determine this from the evidence provided. Furthermore the documents he claimed to be providing with his grounds have not been received for me to review therefore I cannot comment on their merits and have to rely on the documents previously submitted. The letter from Anjman-E-T ajran Bal Damas (A2) while confirming the appellant's employment and approximate income does not state how they calculated this amount or on what

information they had based their calculation on (sic). I note that the letter was dated 26/06/12 which was only nine days prior to the date of his application [for entry clearance]. I am satisfied on the balance of probabilities that the letter was provided for the sole purpose of supporting his visa application. I am also in agreement with the ECO assessment of the bank letter that it showed the funds that he held on a specific day only and does not give a detailed history of the account or show individual transactions over a period of time. It is of limited value in evidencing his circumstances. I am not therefore satisfied the appellant has provided an accurate reflection of his financial circumstances in Pakistan either in his grounds of appeal or application.”

8. The burden of proof in the appeal is on the appellant and the standard of proof is the balance of probabilities. It is for the appellant to establish a complete and accurate picture of his financial circumstances in Pakistan. Having considered the documents submitted carefully, I am wholly in agreement with the comments made above by the ECM. Letters or certificates stating balances on accounts provide little indication as to how those balances were generated and, more particularly, do not, in the absence of any proper information regarding the liabilities and outgoings of the individual concerned, give any proper indication of a regular net income. My examination of the documents submitted in support of this application/appeal leave me in the dark as to the exact sums which, taking into account any liabilities and outgoings, this appellant generates from his business activities. Such a picture is of vital importance in applications of this kind in order to show the extent to which an individual is established financially in his home country which, in turn, gives an indication as to whether he has any incentive to return. If an appellant gives only a partial picture of his or her financial circumstances, he or she should not be surprised and a decision maker (or the Tribunal) finds that he has failed to discharge the burden of proof which rests upon him. I find that to be the case in the present appeal.

DECISION

9. The determination of the First-tier Tribunal which was promulgated on 27 February 2013 is set aside. I have remade the decision. This appeal in respect of the Immigration Rules is dismissed.

Signed

Date

Upper Tribunal Judge Clive Lane