



**Upper Tribunal  
(Immigration and Asylum Chamber)**  
OA/03692/2014

Appeal Numbers:

OA/03693/2014

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 24<sup>th</sup> September 2014**

**Determination  
Promulgated  
On 29<sup>th</sup> September  
2014**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE FRANCES**

**Between:**

**ENTRY CLEARANCE OFFICER**

Appellant

**and**

**AB  
ZAK**

Respondents

**Representation:**

For the Appellant: Mr P Duffy, Senior Home Office Presenting Officer  
For the Respondents: Mr A Chohan, Counsel

**DETERMINATION AND REASONS**

1. I shall refer to the parties as in the First-tier Tribunal. The Appellants are citizens of Pakistan born on 15<sup>th</sup> March 1976 and 1<sup>st</sup> February 1996. Their appeal against the Respondent's decision of 18<sup>th</sup> February 2014 refusing entry clearance under paragraph 319 of the Immigration Rules was allowed by the First-tier Tribunal on 22<sup>nd</sup> July 2014.

2. Permission to appeal was granted by First-tier Tribunal Judge Holmes on 8<sup>th</sup> August 2014 on the grounds that First-tier Tribunal Judge Burnett found that the bank statements of the type "Business Current Account" were personal bank statements because the Sponsor was a sole trader.
3. At the hearing before me, Mr Duffy submitted that Appendix E paragraph (j) stated that the applicant must provide specified documents as set out in paragraph 1B of Appendix C. The specified documents are personal bank or building society statements covering a 90 day period. It was accepted that the Sponsor was a sole trader, but he had submitted statements from a business account, not his personal account. This was not acceptable under the Immigration Rules.
4. Mr Chohan submitted that the Sponsor's account was for his use alone because he was a sole trader not a limited company. The Sponsor was responsible for the account and there was no third party involved. The Sponsor was operating the account and had sole access to the funds. He made cash withdrawals and there was nothing to indicate that the funds were not available for the Sponsor's personal use.
5. I find that the bank statements submitted were business bank account statements and not personal bank account statements and therefore they did not comply with the Immigration Rules. I also indicated at the start of the hearing that the statements did not cover a 90 day period in any event. Mr Chohan accepted that there were no statements covering the period from 11<sup>th</sup> October 2013 to 3<sup>rd</sup> November 2013.
6. Accordingly, I find that the Judge erred in law in allowing the appeal under the Immigration Rules. The bank statements were not personal bank statements and did not cover the required period. I allow the Respondent's appeal and set aside the determination dated 22<sup>nd</sup> July 2014. I remake the decision as follows: The Appellants' appeal under the Immigration Rules is dismissed. The Appellants did not rely on Article 8.
7. The First-tier Tribunal made an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005. There was no application to vary or discharge the anonymity order. I continue that order (pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008).

Deputy Upper Tribunal Judge Frances  
29<sup>th</sup> September 2014