



IAC-PE-SW-V1

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

Appeal Numbers: VA/16375/2013
VA/16381/2013

THE IMMIGRATION ACTS

**Heard at Manchester
On 23rd October 2014**

**Decision & Reasons Promulgated
On 10th November 2014**

Before

DEPUTY UPPER TRIBUNAL JUDGE LEVER

Between

**MR MUHAMMAD HAMID (FIRST APPELLANT)
MRS TAYYABA HAMID (SECOND APPELLANT)
(ANONYMITY NOT RETAINED)**

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: No representation
For the Respondent: Miss Johnstone

DECISION AND REASONS

Introduction

1. The Appellants born on 1st January 1972 and 21st April 1978 respectively are citizens of Pakistan and are husband and wife. The Appellants were unrepresented and the

Respondent was represented by Miss Johnstone, a Home Office Presenting Officer. The Sponsor in this case, Mr Latif, brother of the Appellants was present.

Substantive Issues under Appeal

2. The Appellants had made application for entry clearance as family visitors to the United Kingdom to visit Mr Latif. On 3rd July 2013 the Respondent had refused those applications. The matter had been appealed and heard by First-tier Tribunal Judge Foudy sitting at Manchester on 29th April 2014. She had dismissed the appeal.
3. Permission to appeal was granted on 18th June 2014 and came before me on 15th August 2014 to decide whether or not an error of law had been made in this case. I found for reasons provided in the earlier determination that an error of law had been made, set aside that decision and issued directions for remaking that decision.
4. The matter comes back before me to remake that decision in accordance with the directions set.

The Proceedings - Introduction

5. As the Sponsor was present I firstly explained to him the nature of the proceedings and the way they would be conducted.
6. I next checked the documents available to me in this case.
7. The Respondent's bundle consist of:
 - Entry Clearance Manager review letter - 14th January 2014 containing the Respondent's bundle of documents.
8. The Appellant's documents consist of:
 - Witness statement of Sponsor - 20th October 2014.
 - Various sale receipts and sale breakdown letters.

The Proceedings - Evidence

9. The Sponsor was called to give evidence. He confirmed that the Appellants were his brother and sister-in-law and they had no children. He confirmed the First Appellant rented cars and also bought and sold the cars. The First Appellant provided himself with a monthly salary of 50,000 rupees from his company. He said that additionally in the financial year to 30th June 2013 the company had made 894,000 rupees in profit. He said as a general rule the First Appellant ploughed back that money into his business. The purpose of the Appellants was to visit the Sponsor for a two to three week period.

10. The Sponsor confirmed that he was married and had one daughter and was a partner in an accountancy firm and owned his own property where the Appellants would stay.
11. In cross-examination he said that the Appellants lived with their mother. He said other family members would be looking after the mother whilst they were in the UK. The First Appellant's mother owned her own property and had a pension together with rental income from a second home that she owned. He said that he did not invest in his brother's business. He had another brother in Pakistan who owned a factory making garments and also owned a shop from which he sold those garments.
12. He said his brother had come to the UK for a few weeks in 2007 and returned, a cousin had come twice in 2007 and 2012 and returned and his mother had also come in 2005 and returned. I briefly heard closing submissions on behalf of both the Respondent and the Sponsor.
13. At the conclusion of the hearing I indicated I would allow the appeal but provide a decision with reasons in writing. I now provide that decision with my reasons.

Decision and Reasons

14. In this case the burden of proof lies on the Appellants and the standard of proof required for both immigration and human rights issues is a balance of probabilities. I may only take into account matters arising as at the date of decision in respect of a refusal of entry clearance.
15. I found the Sponsor to be a credible witness who provided evidence as to the circumstances of the Appellants that was consistent with documentary evidence that had been produced. The original refusal by the Entry Clearance Officer appeared to overlook or not take into account certain documentation in respect of the First Appellant's claimed income and business. There are also concerns as to large deposits placed within the First Appellant's bank account. The First Appellant had produced tax documentation to indicate that he was in business and the nature of that business. He had further produced an accountant and tax advisor's letter of 31st July 2013 indicating the nature of the First Appellant's business, his profit before tax and his monthly remuneration. That letter was consistent with the claims put forward by the Appellants. There had also been produced a number of receipts demonstrating the nature of the business and covering a period of time. There had further been cheques and deposit receipts in the United Bank demonstrating monies paid to the First Appellant and those monies going within his bank account. The First Appellant had produced two separate bank accounts with MCB Bank and United Bank covering periods of time. It is noteworthy that those accounts show a substantial number of credit and debit entries consistent with an operating account and consistent with the flowing in of money as well as deposits. It is also noteworthy that there are not insignificant sums deposited over a period of time rather than simply at the time of any visit application. There was documentary evidence from a motor company regarding the value of certain cars owned by the Appellants. Finally

there was a letter dated 29th May 2013 from a high school confirming that the Second Appellant was a senior English teacher from 1st January 2013.

16. The Sponsor is himself an accountant and partner in a firm and has produced evidence in that respect. He has also provided oral evidence which I accept as to visits made by other family members in the past where he has been a Sponsor. His evidence is that none of those family members overstayed or breached their visa requirements and certainly no evidence has been produced by the Respondent to suggest otherwise.
17. On balance I find the documentary and oral evidence provided in this case demonstrates that the Appellants are both in employment in Pakistan in the manners which have been described and that they have a good standard of living and clear ties to their home country in terms of their employment, the investments within the business run by the First Appellant and the property where they live. It is also the case that they have other close family members in Pakistan and the impression gained is that the Appellants and their siblings are all successful individuals in their own fields. The evidence indicates that other family members have visited the UK in the past with no difficulty in terms of returning to Pakistan. The Sponsor is in a position to accommodate the Appellants and has sponsored other family members in the past and understands that responsibility.
18. In summary therefore I find both Appellants in this case meet the requirements of paragraph 41 of the Immigration Rules and I allow this appeal.

Decision

19. I allow this appeal of both Appellants under the Immigration Rules.
20. Anonymity not retained.

Signed

Date

Deputy Upper Tribunal Judge Lever

23rd October 2014