



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

Appeal Number: OA/09525/2014

THE IMMIGRATION ACTS

**Heard at Glasgow
on 11 December 2015**

**Decision and Reasons
Promulgated
On 7 January 2016**

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

Z I B ABDALLA

Appellant

and

ENTRY CLEARANCE OFFICER, CAIRO

Respondent

Representation:

For the Appellant: Miss A Miller, of Hamilton Burns WS

For the Respondent: Mr M Dinwycz, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant appeals against a determination by First-tier Tribunal Judge Morrison, dismissing her appeal against refusal of entry clearance as the spouse of a refugee.
2. The first ground of appeal to the Upper Tribunal submits that the judge erred at paragraph 21 by summarising the submissions for the appellant so as to “mirror exactly” the submission for the respondent.

3. This ground is wrong. The first sentence of paragraph 21 records a submission for the appellant. The rest of the paragraph sets out the contrary submission for the respondent. There is no confusion between the two.
4. The appellant's submissions are also noted elsewhere in the determination, in particular at paragraph 13. Reading the determination fairly and as a whole, it is clear that the judge understood exactly the respective positions of the parties.
5. Ground 2 alleges failure to take account of corroborative evidence, but the judge did consider the evidence mentioned, and explained why he was not much impressed by it.
6. Ground 3 alleges that the judge approached the same evidence "with a closed mind". We find no trace of that in the determination. This is a strongly worded and serious criticism to make of any judge. It should not have been advanced so lightly and, we suspect, thoughtlessly.
7. The same ground goes on to say that the judge has not sufficiently explained why he did not accept the sponsor's evidence that apparent contradictions in his evidence were explained by misinterpretation. This part of the ground fails to acknowledge the judge's clear analysis of the issue at paragraph 23.
8. Ground 4 alleges that the judge applied the wrong standard of proof. The ground does not criticise the correct statement of the standard of proof at paragraph 4, and does not say that it is wrongly stated anywhere else. This ground dresses up disagreement in the guise of language of legal error, when that error is nowhere identifiable.
9. The grounds, separately and as a whole, amount to no more than insistence and disagreement. They disclose no error of law. They do not show that the determination is in any way legally defective as an explanation to the appellant of why the judge decided her case as he did.
10. The determination of the First-tier Tribunal shall stand.
11. No anonymity direction has been requested or made.



Upper Tribunal Judge Macleman

18 December 2015