



**Upper Tribunal  
(Immigration and Asylum Chamber)      Appeal Number: OA/15192/2014**

**THE IMMIGRATION ACTS**

**Heard at Bradford  
On 27<sup>th</sup> January 2016**

**Decision & Reasons  
Promulgated  
On 22<sup>nd</sup> February 2016**

**Before**

**UPPER TRIBUNAL JUDGE D E TAYLOR**

**Between**

**NASIRA YASMEEN  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**ENTRY CLEARANCE OFFICER**

Respondent

**Representation:**

For the Appellant: The Sponsor

For the Respondent: Ms R Pettersen, Home Office Presenting Officer

**DECISION AND REASONS**

1. This is the Appellant's appeal against the decision of Judge Myers made following a hearing at Bradford on 3<sup>rd</sup> June 2015.

**Background**

2. The Appellant is a citizen of Pakistan born on 22<sup>nd</sup> January 1993. She applied to come to the UK as a spouse but was refused entry clearance on 14<sup>th</sup> October 2014 on the grounds that the Entry Clearance Officer was not satisfied that she could meet the financial requirements of the Immigration

Rules and she had not provided the specified evidence for the specified period as stated in Appendix FM/SE.

3. The judge recorded that it was not in contention that the Appellant had not provided the specified evidence in that the Sponsor did not have personal bank statements for the same twelve month period as the tax return he had provided as required by the Rules. She also commented that the amounts paid into the bank account did not correspond with the net profit shown on the Sponsor's profit and loss account and he had not provided evidence that his national insurance contributions had been paid. On the other hand she had no reason to doubt the Sponsor's credibility and no reason to conclude that he did not have the annual income stated which was in excess of the amount needed to satisfy the Rules.
4. The Appellant sought permission to appeal on the grounds that the Judge had made a mistake so far as the national insurance contribution payments were concerned, that it was not reasonable to expect all of the money to have been deposited in the bank and that generally her reasoning was insufficient.
5. Permission to appeal was granted by Designated Judge Shaerf who said that the Appellant had not been appropriately informed why her appeal had been dismissed.
6. On 6<sup>th</sup> November 2015 the Respondent served a reply defending the determination.

### **Findings and Conclusions**

7. The Sponsor is right when he says that the Judge had overlooked evidence that the national insurance contributions had been paid. They clearly were and the receipt is in the bundle.
8. He also said that he had to pay for fuel and repairs for his taxi and Ms Pettersen acknowledged that it would not be reasonable to expect daily banking of all of the fares taken. Evidence from an accountant could be provided to explain what money was expended on work-related expenses such as fuel and what was banked as income.
9. The problem for the Appellant is that he did not open a personal bank account until December 2012. The tax return which he produced was for the year 2012-2013, i.e. to the year ending 5<sup>th</sup> April 2013 and accordingly he only had four months' worth of bank statements from December 2012 to April 2013.
10. At the time he made his application in March 2014 the return for that tax year had not been made, and whilst he had the bank statements for 2013-2014 he did not have the relevant tax return.
11. Accordingly the judge was right to say that the Appellant had not provided all of the specified evidence; her Sponsor was not in a position to do so and the appeal therefore had to fail.

12. Therefore, although there is a mistake in this determination relating to the national insurance contributions, and although the comment about the lack of consistency between the accounts and the amounts paid in the bank statements are not a proper reflection of the entirety of the evidence, the decision of the Judge will stand because the Appellant was not in a position to meet the requirements of the specified evidence provisions of the Rules. The Sponsor does now have the tax returns and the bank statements for the same year and the proper course is for him to make another application ensuring that all of the specified evidence is provided.

**Notice of Decision**

13. The judge did not err in law. Her decision stands. The appeal is dismissed.

No anonymity direction is made.

Signed

Date

Upper Tribunal Judge Taylor