



**Upper Tribunal
(Immigration and Asylum Chamber)
IA/34777/2013**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Field House

**Determination
Promulgated**

On 12 November 2014

On 12 November 2014

Before

Deputy Upper Tribunal Judge MANUELL

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT
MISS Appellant

and

**Miss SAKINE KARTAL
(NO ANONYMITY DIRECTION MADE)**

Respondent

Representation:

For the Appellant: Ms S Sreeraman, Home Office Presenting Officer

For the Respondent: Mr B Ali, Counsel

(instructed by Ahmed Rahman Carr Solicitors)

DETERMINATION AND REASONS

Introduction

1. The Appellant (the Secretary of State) appealed with permission granted by First-tier Tribunal Judge Grant-Hutchison on 1 October 2014 against the determination of First-tier Tribunal Judge Howard who had allowed the Respondent's appeal in a determination promulgated on 19 August 2014.
2. The Respondent is a national of Turkey, born on 10 August 1985, who had applied for a variation of her existing leave to enter the United Kingdom as a visitor so as to obtain leave to enter to establish a business in reliance on the Ankara Agreement and paragraph 21 of the Immigration Rules HC510. That application was refused by the Secretary of State on 21 June 2013. Amongst other matters the veracity of the Respondent's supporting documents had been challenged. The judge found that the Respondent was credible and was genuinely intending to set up a potentially viable catering business specialising in meze style Turkish cuisine.
3. Permission to appeal to the Upper Tribunal was granted by First-tier Tribunal TRP Hollingworth because he considered that it was arguable that the judge's findings were altogether too brief and had not addressed the issues raised in the reasons for refusal letter.
4. The Respondent indicated by a rule 24 notice that the onwards appeal was opposed. Standard directions were made.

Submissions - error of law

5. Ms Sreeraman for the Appellant relied on the application for permission to appeal and grant of permission to appeal. There was nothing specific which she wished to add.
6. Mr Ali for the Respondent relied on the rule 24 notice earlier filed.

No material error of law finding

7. The tribunal indicated that it found that the judge had not fallen into material error of law. The grant of permission to appeal must be seen as overly generous. The experienced judge had heard and seen the Respondent, and reached conclusions which were open to him. The tribunal reserved its determination which now follows.
8. The First-tier Tribunal Judge's determination is succinct. There was no requirement to set out the evidence in any detail, as the judge had identified the key issues and described the relevant evidence in the course of his findings. At [11] and [17] of his determination the judge addressed the concerns which the Secretary of State had raised, including the veracity of the Respondent's documents. The judge explained why he resolved those doubts in the Respondent's favour. The judge was entitled to give weight to the evidence which the Respondent had produced, which included actual samples of her provender. He was satisfied, as he explained, that the Respondent was well informed and had identified a potential market for her catering business. By inference that included at least an adequate degree of sales ability and "push". The judge gave proper reasons for being impressed with the Respondent's enthusiasm and knowledge, as both factors were directly relevant to the substance of the Ankara Agreement application.
9. In all it was plain that the judge had properly weighed and considered all of the evidence produced, and had given sufficient reasons to support his findings and decision.
10. There was no material error of law in the determination and there is no basis for interfering with the judge's decision.

DECISION

The making of the previous decision did not involve the making of an error on a point of law and stands unchanged

Signed

Dated

**Deputy Upper Tribunal Judge Manuell
2014**

12 November

Number: IA/34777/2013

Appeal