



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

Appeal Number: OA/15930/2013

THE IMMIGRATION ACTS

Heard at North Shields

**On 22nd August, 2014
Given extempore
Signed 4th September, 2014**

Determination

**Promulgated
On 5th September 2014**

Before

Upper Tribunal Judge Chalkley

Between

SHAKEELA JAVID SADIQ

Appellant

and

ENTRY CLEARANCE OFFICER - ISLAMABAD

Respondent

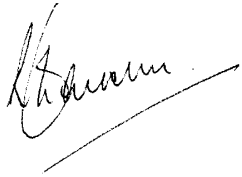
Representation:

For the Respondent: Mr Chris Boyle, Solicitor with Halliday Reeves, Solicitors
For the Respondent: Mr Clive Dewison, Home Office Presenting Officer

DETERMINATION AND REASONS

1. The Appellant in this appeal is the Entry Clearance Officer, Islamabad. To avoid confusion, I shall refer to the Appellant as “the Entry Clearance Officer”.

2. The Respondent is a citizen of Pakistan, who made application to the Entry Clearance Officer for entry clearance to the United Kingdom as a partner under Appendix FM of Statement of Changes in Immigration Rules HC 395, as amended (“the Immigration Rules”).
3. The Entry Clearance Officer refused the Respondent's application on 17th July, 2013 indicating that he was not satisfied that the relationship between the Respondent and his sponsor was genuine and subsisting and that they intended to live together in the United Kingdom. The Entry Clearance Officer also refused the application, because the sponsor had no income other than public funds and the Entry Clearance Officer was not satisfied that the Respondent and sponsor were able to maintain and accommodate themselves and any dependants adequately without recourse to public funds.
4. Before the hearing of the appeal, the Entry Clearance Manager, Islamabad, carried out an appeal review and on the evidence before him was satisfied that the Respondent would be adequately maintained and accommodated and conceded that part of the appeal.
5. The Respondent appealed and his appeal was heard by First-tier Tribunal Judge Catherine Gordon at North Shields on 12 June 2014. In her determination, she found that the parties would be in a position to adequately maintain and accommodate themselves (*clearly not having realised that the Entry Clearance Officer had conceded this part of the appeal*). The judge considered the question of the relationship and found that it was genuine and subsisting and that the parties did intend to live permanently together. She allowed the appeal.
6. The Entry Clearance Officer challenged the appeal on the basis that the judge had erred in law in accepting that employment support allowance could be taken into consideration in considering the question of maintenance.
7. At the hearing before me, Mr Dewison accepted that the issue of maintenance had been conceded by the Entry Clearance Manager and told me that there were, in fact, no material errors of law in the determination capable of affecting its outcome, and invited me to dismiss the Entry Clearance Officer's appeal. Mr Boyle expressed his agreement.
8. I am grateful to Mr Dewison. He was entirely correct to draw my attention to the fact that on 9th June, 2014, just three days before the hearing of the appeal before the First-tier Tribunal, the Entry Clearance Manager had conceded the question of maintenance.
9. The determination of First-tier Tribunal Judge Gordon involved the making of no material error on a point of law. Her decision shall stand. The appeal of Shakeela Javid Sadiq is allowed.

A handwritten signature in black ink, appearing to read 'Chalkley', with a long horizontal stroke extending to the right.

Upper Tribunal Judge Chalkley