



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: VA/05368/2013

THE IMMIGRATION ACTS

Heard at Glasgow
on 23 May 2014

Determination promulgated
On 27 May 2014

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

MORTEZA OMIDI

Appellant

and

ENTRY CLEARANCE OFFICER, Iran

Respondent

For the Appellant: Mr G P McGowan, of Quinn, Martin & Langan, Solicitors

For the Respondent: Mr A Mullen, Senior Home Office Presenting Officer

No anonymity order requested or made

DETERMINATION AND REASONS

1. The appellant appeals against a determination by First-tier Tribunal Judge Wallace, dismissing his appeal against refusal of a family visit visa.

2. The judge concluded at ¶40 that there was no reason to think this was anything other than a genuine application, or that the appellant would have any desire to remain in the UK beyond his proposed 3 week visit; and at ¶43 that it was only natural for the sponsor to wish to be visited by her brother. Mr Mullen fairly and correctly conceded that standing those findings, to which the respondent raised no challenge, there was no reason for the judge to have gone on to dismiss the appeal for “lack of documentation”.
3. The determination of the First-tier Tribunal is **set aside**. The appeal, as originally brought by the appellant to the First-tier Tribunal, is **allowed**.

A handwritten signature in black ink, reading "Hugh Maclean". The signature is written in a cursive style with a large, stylized initial 'H'.

23 May 2014
Judge of the Upper Tribunal