



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

Appeal Number: VA/13680/2013

**THE IMMIGRATION ACTS**

**Heard at Field House**

**Oral Determination  
Promulgated**

**On 1 July 2014**

**On 31 July 2014**

**Before**

**UPPER TRIBUNAL JUDGE JORDAN**

**Between**

**ENTRY CLEARANCE OFFICER**

Appellant

**and**

**AHMED SADEQ RAHEEM RAHEEM**

Respondent

**Representation:**

For the Appellant: Mr T Wilding, Home Office Presenting Officer

For the Respondent: Mr N S Ahluwalia, Counsel, instructed by Fragomen LLP

**DETERMINATION AND REASONS**

1. The Entry Clearance Officer appeals against the determination of First-tier Tribunal Judge Blackford promulgated on 1 April 2014 in which he allowed the appeal of the applicant, Mr Ahmed Sadeq Raheem Raheem, for entry clearance as a visitor. The Entry Clearance Officer has appealed against

that determination but for the sake of continuity I shall refer to Mr Ahmed Sadeq Raheem Raheem as the appellant as he was in the Tribunal below.

2. The appellant is a citizen of Iraq who was born on 1 July 1951 and he applied on 23 April 2013 for entry clearance as a family visitor. It was refused by a decision made by the Entry Clearance Officer on 7 July 2013, subsequently confirmed by the Entry Clearance Manager.
3. I do not need to set out the reasons that were used by the Entry Clearance Officer because those are set out in the determination of the judge in paragraph 15 of his determination. Suffice it to say that the first two issues are now no longer a viable challenge.
4. The first related to whether or not the sponsor, who is the appellant's daughter, is and was settled in the United Kingdom. She has a doctorate and is currently working as a research assistant at Imperial College London. It may well be that the appellant did not produce her passport. That, however, has been produced. It predates the decision and it demonstrates that she is and was at the material time a British citizen and it can be readily inferred from that that the challenge made by the Entry Clearance Officer cannot now be made out.
5. The second challenge related to the appellant's name. He has been variously described as Ahmed Sadeq Raheem Raheem and Ahmed Sadeq Raheem Al Raheem It had been explained to the judge that the prefix 'Al', if that is what I can call it, is a reference to the familiar or patronymic name. Its omission does not signify the use of a different name – an allegation that was made by the Entry Clearance Officer that he was using two different names.
6. There was also an issue as to whether the appellant failed to reveal the fact that he had applied for and been refused entry clearance by the American authorities but an explanation was provided by the appellant and his daughter and that was accepted by the judge. It is clear that there was no evidence that he had been refused, thereby rendering the refusal on the basis of paragraph 320(7A) a ground for refusal which is not now made out.
7. The substantial ground of challenge is that set out in the refusal letter which relates to the appellant's assets, his involvement with a company called the Al-Yamman General Trading Company Limited and his relationship with the Al-Bilad Islamic Bank where it is said he was and is a vice chairman. The Entry Clearance Officer apparently looked at a website of the bank, or at any rate he conducted an internet search of the bank, which provided a list of all the directors, members of the top executive management and the main shareholders, and the appellant was not listed in any of those headings.
8. We do not have a printout of what the Entry Clearance Officer looked at. We do not know what his internet search involved but all we do know is

that a subsequent printout has been provided of the bank in which the appellant is shown both as a director and I think as a shareholder.

9. We then come to the evidence of the appellant's means. It is slightly tangentially dealt with in that the accounts which were produced for the judge and which had been produced before me deal with two principal accounts of the appellant and one company account. They deal with a period beginning on 1 November 2013. Bearing in mind that the decision complained of is a decision that was made on 7 July 2013 it therefore predates these accounts and that would normally be a perfectly valid head of challenge to them. However, one has to look at these cases in the round. In the circumstances of this case the account number 507 with the Al-Bilad Islamic Bank is a statement produced on 11 February 2014. It covers a period from 3 November 2013 and it shows what was clearly a running account. The transactions by the stage of 1 November 2013 had already apparently involved transactions of at least US\$ 372,000, rather indicating that there had been previous transactions. It is apparent that it carried forward a balance of the account.
10. I am not going to refer to the figures because there are no commas in the accounts which are provided. The first account, 507, is a dollar account. It shows substantial sums of money and, importantly, it shows substantial credits being put into the account as well as substantial debits taken from the account. Those transactions go from page 13 through to page 43 and cover a period showing very large sums of money being paid into an account and large sums of money being withdrawn from the account. There is no suggestion that these accounts are fabricated.
11. There then follows at page 44 a letter from the managing director of the bank dated 10 February 2014 which indicates that the appellant is a member of the board of directors and vice chairman of the board of directors as well, and no apparent challenge is made to that documentation.
12. The bundle also includes accounts for the Al-Yamman Company for General Trade Limited in Baghdad. It is an account for the year ended 31 December 2012 and shows substantial sums of money on the balance sheet with fixed assets running into many millions of dinars. Those assets include fixed assets as well as cash in hand. They all run into many millions of dinars and they appear to tally with the other set of accounts which we have again at page 51, that is, the accounts for the previous year.
13. There are a number of documents provided by the company that have been translated which indicate the state of the company when it was incorporated. There is an indication as to who are the shareholders and that it has complied with its requirements under the relevant Companies Act. There are supporting documents in relation to contracts which have been entered into by the company with car dealers in China and contracts in relation to this. It is not necessary to go into that in any great detail.

Suffice it to say that there is also a bank account of the company in Iraqi dinars, account number 5751, dealing with a period which begins on 1 December 2013 and once again it shows many millions of Iraqi dinars being placed into the account.

14. That satisfies me, because these documents have not been challenged by the respondent in terms of their authenticity, that the appellant is a man of some substance and that he has both personal bank accounts, (there are two bank accounts in his name), and that he is also involved in the Al-Bilad Bank and that he is involved in a substantial trading company. All of the material which I have seen, whilst some of it post-dating the decision, is capable of shedding light on what the position was at the date the decision was made on 7 July 2013, absent a viable suggestion that the situation is newly minted.
15. The Judge did not deal with those documents in his findings of fact in paragraphs 18 and 19 in any great detail but it is clear that he had them before him. He merely globalised their contents by saying that he was entirely satisfied with the appellant's means and the availability of ample accommodation at his daughter's home.
16. I do not regard it necessary to go into the question of accommodation in this appeal. It is inconceivable that the applicant would be permitted a recourse to public housing for the week of his stay in the United Kingdom and accordingly the importance about availability of accommodation without recourse to public funds does not enter into any rational consideration of this appeal.
17. The appellant has a perfectly clear immigration history. There is no suggestion that he has ever overstayed or that he has not travelled. The sponsor, his daughter, has provided and did provide evidence as to her sponsorship and there is no suggestion that she is not capable of properly sponsoring the appellant for his short visit. The issue as to the requirements of paragraph 41(i) and (ii) cannot be assessed by any direct evidence. It will be inferred from the material which is provided in relation to the other matters but it is clear that the challenges that are made by the Entry Clearance Officer have not been made out and it was on that basis that he questioned the genuineness of the appellant as a visitor and his intention to return, given the fact that it is clear the appellant is involved in a significant business in Iraq and has dealings with a bank, both as an account holder and as a shareholder and as its chairman. I have no reason to doubt that he has a proper intention to return at the conclusion of his visit.
18. On this basis I am satisfied that the Judge reached the correct overall decision. It would have been helpful, I think, had he set out some of the documentary evidence which he had relied upon in reaching his findings, but nevertheless I am satisfied that he did take that documentary evidence into account and he reached a sustainable decision.

19. In those circumstances I dismiss the appeal of the Entry Clearance Officer against the decision of the Judge and I uphold the judge's determination allowing the appeal. A request was made by Mr Ahluwalia that I should endorse my judgment with a direction that entry clearance be provided. I feel content to do that in the circumstances of this case. There is nothing to suggest that there is going to be any substantial change in the situation between March 2014 when the determination was made and today and for these reasons I am content that a direction that entry clearance be granted is made.

#### DECISION

1. The Judge made no error on a point of law and the original determination of the appeal shall stand.
2. I direct entry clearance in the capacity sought.



ANDREW JORDAN  
JUDGE OF THE UPPER TRIBUNAL