



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: OA/06576/2014  
OA/06597/2014

THE IMMIGRATION ACTS

Heard at Glasgow  
On 3 August 2017

Determination issued  
On 15 August 2017

Before

Mr C M G OCKELTON, VICE PRESIDENT  
UPPER TRIBUNAL JUDGE MACLEMAN

Between

HUIJUAN WANG  
WENKAI YU

Appellants

and

ENTRY CLEARANCE OFFICER, Beijing

Respondent

Representation:

For the Appellant: Mr F Latta, of Latta & Co, Solicitors  
For the Respondent: Mr M Diwyncz, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellants appeal against a decision by FtT Judge Doyle, promulgated on 5 July 2016, dismissing their appeals against refusal of entry clearance.
2. The case has a long history. In view of the way the matter eventually unfolded before us, there is no need to go into full detail. The responsibility for delay is shared, and although unfortunate, is not blameworthy, apart from one aspect. A document verification report (DVR) was not available at the time of the ECO's original decisions on the applications of the two appellants, refused as long ago as February 2013, but was available by the time their appeals came before Judge Bell. The DVR was not made available to him. He allowed the appeals by a decision promulgated on 31 December 2013. The DVR was then used to make further adverse

decisions, for new reasons, and was produced in the subsequent further appeals. If it had been produced when it should have been, a great deal of delay and confusion would have been avoided.

3. Grounds 1 and 2 of the appeal to the UT are concerned with relating evidence to dates, the admissibility of the DVR, and *Devaseelan* principles. These grounds are misconceived. The Judge's references to relevant dates (application or decision) are muddled, but not in any way which makes a difference to the outcome. There is nothing in *Devaseelan* which demonstrates error. The DVR was admissible in evidence, and the Judge had to decide whether it constituted evidence which undermined the decision of Judge Bell.
4. The respondent's rule 24 response concedes and Mr Diwyncz confirmed that ground 3 shows error of law.
5. The Judge found at ¶10 (e) and (f) that the DVR was difficult to follow, and not clear evidence of forgery or dishonesty, but that it did show that the documents produced by the appellants could not be relied upon. The error of law is absence or inadequacy of reasons for that conclusion.
6. To remake the decision, Mr Latta and Mr Diwyncz took us on a helpful examination of the DVR and the financial documents. The DVR is a careful document, the result of close scrutiny of the documents and transcripts of conversations, but it does not justify its assertion at page 1, "Employment Verification: False". It discloses discrepancies between what was said by the first appellant and by Wang Huiping, her sister and business associate, but no more than minor muddle rather than fraudulence, and nothing to displace the conclusion of Judge Bell that the financial requirements of the rules had been met. Mr Diwyncz did not dissent from that final analysis.
7. The decision of the First-tier Tribunal is **set aside**, and the following decision is substituted: the appeals, as originally brought to the FtT, are **allowed**.
8. No anonymity direction has been requested or made.



3 August 2017  
Upper Tribunal Judge Macleman