



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: OA/16038/2012
OA/16039/2012

THE IMMIGRATION ACTS

Heard at Bradford
On 30 August 2013

Determination Promulgated
On 04 September 2013
.....

Before

UPPER TRIBUNAL JUDGE
D E TAYLOR

Between

ENTRY CLEARANCE OFFICER

Appellant

And

HALEEMA BIBI
IQRA BIBI

Respondent

Representation:

For the Appellant: Mrs Pettersen, HOPO
For the Respondent: no appearance

DECISION AND DIRECTIONS

1. This is the Secretary of State's appeal against the decision of First-tier Tribunal Judge Kelly made following a hearing at Bradford on the 17 June 2013, allowing the claimants appeal against the decision of the entry clearance officer made on 26 July 2012 to refuse to grant them entry clearance to come, with their mother, to the UK.
2. The original refusal was on the grounds that the entry clearance officer was not satisfied that the claimant's mother had entered into a marriage which was genuine and subsisting, nor that the family could be adequately maintained and accommodated in the UK. The judge found in favour of the claimants in respect of these issues and there is no challenge to this aspect of the decision.
3. However, the entry clearance officer also raised paragraph 297(i) with respect to the minor appellants. Their mother is divorced from their father, and there was no information before him about where he was and what responsibility he had, if any for their upbringing.
4. The judge did not deal with this issue at all in the determination.
5. The sponsor did not appear at the hearing although he and his representatives were properly served with notice. However he is severely disabled and Mrs Pettersen told me that the sole person from Girlington Advice centre who deals with immigration matters no longer works there.
6. Accordingly she agreed that the fairest course would be for this appeal to be for Judge Kelly to complete his decision and consider whether the claimants are in a position to meet the requirements of paragraph 297(i).
7. The judge erred in law in failing to determine one of the issues which was before him. To the extent that that issue remains outstanding, the decision is set aside.
8. This appeal will be heard at Bradford when the decision will be remade by Judge Kelly. It is important that the sponsor, with his advisers, if any, attends the hearing.

Signed

Date

Judge of the Upper Tribunal