



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: VA/03757/2013

**THE IMMIGRATION ACTS**

Heard at Field House  
On 11 November 2013

Determination Promulgated  
On 13 November 2013

Before

UPPER TRIBUNAL JUDGE ESHUN

Between

MISS RUMANA KABEER

Appellant

and

ENTRY CLEARANCE OFFICER ABU DHABI

Respondent

**Representation:**

For the Appellant: Sponsor, Mrs Afshan Pirooze  
For the Respondent: Mrs K Pal, HOPO

**DETERMINATION AND REASONS**

1. The appellant is a citizen of Pakistan, born on 7 September 1971. The respondent has been granted permission to appeal the decision of First-tier Tribunal Judge Davies

allowing the appellant's appeal against the refusal to grant her entry clearance to the United Kingdom as a visitor.

2. The appellant, along with her three siblings, applied for entry clearance as a family visitor and was refused under paragraph 41(i)(ii)(vi)(vii) of the Immigration Rules. In addition, the appellant's application, and not her siblings', was refused under paragraph 320(7A).
3. The judge allowed the appellant's appeal on the grounds that she met all the requirements of paragraph 41 and that she was a genuine visitor and would leave the UK at the conclusion of her three week stay. He was also satisfied that the appellant would be maintained and accommodated during her visit and that she was able to pay for her return travel. However, the judge did not specifically refer to the respondent's refusal under paragraph 320(7A). It was for this reason that permission was granted to the respondent to appeal the judge's decision.
4. The respondent's grounds of appeal stated that the refusal letter clearly stated in the first paragraph that the appellant had stated at question 63 of her application form that she had never been refused a visa before. The refusal letter went on to state that UKBA records indicated that the appellant was refused a visa on 26 April 2004 under reference Islamabad 775075, and that it was considered her not declaring this information undermined her credibility as she had signed the application. The appellant had also stated that she had not used the services of an agent. The judge failed to address this point in the determination and the respondent had not conceded this point.
5. The sponsor conceded that the appellant had indeed been refused a visit visa in April 2004 but this was something they had all forgotten about. She said that the appellant's visit application form was completed on line by her brother-in-law, who had asked the appellant to sign it, which she did. The appellant had not intended to deceive the ECO.
6. The sponsor said that their mother is ill. Their mother is 71 years old, according to the date of birth on her passport. In reality her mother was born in 1938 (not 1942 as stated on her passport) and is now 74 years old. Their mother is not able to travel and wishes to see all her daughters, which was the reason for the visit applications by all four sisters. The other three sisters, whose appeals were allowed, collected their visas last Friday. This has been very upsetting for the appellant.
7. I found the sponsor's evidence credible and accept that the appellant did not intend to deceive the ECO. I also accept that there are compassionate reasons for her visit. Nevertheless, I find that the appellant failed to disclose on her visa application form that she had been refused a visa in April 2004. Paragraph 320(7A) is a mandatory refusal where, as in this case, false representations have been made, or material facts not disclosed in relation to the application.

8. On the evidence before me, I find that the judge erred in law in failing to deal with the refusal of the appellant's application under paragraph 320(7A). His decision cannot stand.
9. I remake the decision and dismiss the appellant's appeal.

Signed  
Upper Tribunal Judge Eshun

Date