



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

Appeal Numbers: IA/22574/2013
IA/22578/2013

THE IMMIGRATION ACTS

Heard at Field House

On 15 May 2014

**Determination
Promulgated**

On 10th June 2014

Before

**LORD BANNATYNE
(SITTING AS A JUDGE OF THE UPPER TRIBUNAL)
UPPER TRIBUNAL JUDGE PITT**

Between

**FATHIMA BUSHRA MOHAMMADU FAROOK
RASHID MARIKAR MAJUD MARIKAR**

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Mr K Wyn on behalf of Liyon Legal Ltd
For the Respondent: Mr C Avery, Home Office Presenting Officer

DETERMINATION AND REASONS

1. This is an appeal against the decision of Judge Murray. We have considered carefully the submissions which have been made by both parties in relation to the matters which this Tribunal felt should be raised

at the outset of this appeal. On the basis of these submissions we hold that the case does not exhibit any material error of law.

- (i) The issue which was sought to be raised today, namely: financial dependency arising from the appellant residing in the sponsor's house in Sri Lanka, was not an issue before the First-tier Tribunal. The evidence regarding this issue was not placed before the First-tier Tribunal Judge by either representative. There was no argument based on this evidence presented by either representative.
- (ii) Neither in relation to financial dependency, nor even in relation to the appellant being a member of the household of the sponsor was evidence relative to her residence in this house sought to be adduced and relied upon by either representative.
- (iii) The point which is now sought to be made arising from this evidence is not **Robinson** obvious, that is the judge should have known it even if the representatives did not.

2. For these reasons we refuse the appeal.

Signed

Date

Lord Bannatyne
Sitting as a Judge of the Upper Tribunal