



**Upper Tribunal  
(Immigration and Asylum Chamber)      Appeal Number: IA/13390/2014**

**THE IMMIGRATION ACTS**

**Heard at Glasgow  
On 25<sup>th</sup> June 2015**

**Decision Promulgated  
On 16<sup>th</sup> July 2015**

**Before**

**MR C M G OCKELTON, VICE PRESIDENT  
DEPUTY UPPER TRIBUNAL JUDGE DOYLE**

**Between**

**AMJAD ALI**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr Kadirgolam of Muzaffar Associates Ltd.

For the Respondent: Mr S Duffy, Senior Home Office presenting Officer

**DECISION AND REASONS**

1. The appellant is a national of Pakistan. He came to the UK in 2011 as a student. He ceased his studies at the beginning of 2013 and, so far as we are aware, has not studied since. The appellant chose not to advise the Home Office that he was no longer a student. The appellant's student visa expired on 10 October 2013.
2. On 8 September 2013, the appellant underwent a ceremony of marriage to Margareta Olahova, a Slovakian national aged 17 years. At that time, Ms Olahova had been in the UK for about one month, having left Slovakia in circumstances which caused concern and resulted in her being listed as a missing person. It is said that she and the appellant fell instantly in love,

commenced co-habitation and then married as a result of a developing relationship of love.

3. After the ceremony of marriage, the appellant made two applications for a residence card, confirming his right to reside in the UK as the spouse of an EEA national exercising treaty rights of movement. Each of those applications was refused by the respondent. The appellant appeals against the second refusal. Each of his applications was refused on the grounds that the marriage he has conducted with the EEA national is a marriage of convenience so that the appellant is not a family member of an EEA national.
4. The basis of the respondent's decision is that the appellant and the EEA national, when questioned, give differing accounts of events in the period leading to marriage. They could not give consistent accounts of important dates in the development of their relationship nor could they give reliable and consistent accounts of how their relationship developed. Ms Olahova could not give a reliable account of her conversion from the Roman Catholic faith to the Muslim religion. It is noted that even after marriage, Ms Olahova defines herself as a Roman Catholic rather than a Muslim.
5. The First Tier Tribunal Judge Boyd ("the judge") heard evidence from the appellant, from Ms Olahova and from another witness. The other witness said that he was present at the marriage of the appellant and the EEA national and had visited them at their home. There was also evidence that the appellant and the EEA national live at the same address and, at the time of the hearing before the judge, Ms Olahova was present. It was not said that the appellant is not the father of her child.
6. The judge specifically mentions the foregoing matters and said that these are factors which must be taken into account. After taking account of the foregoing matters, he concluded that the marriage on 8 September 2013 was a marriage of convenience and he dismissed the appeal.
7. The grounds of appeal simply state that the judge did not afford sufficient weight to some of the evidence. On 18 September 2014, First Tier Tribunal Judge McDade granted leave to appeal saying "*it is arguable that the judge erred by giving undue weight to certain factors and insufficient weight to others...*" Despite that grant of permission to appeal, we cannot see any error of law. Matters of weight of evidence are classically matters for the fact finding judge at first instance. The grounds of appeal make it clear that the appellant does not agree with the judge. That does not amount to an error of law.
8. There were substantial reasons for thinking that the marriage is one of convenience. The evidence does not all point in the one direction.
9. There is nothing that the Judge ought to have taken into account that is not taken into account in the decision of the Judge dated 27 June 2014. The Judge did not err in reaching the conclusion that he did.

10. There is no error of law.
11. The Judge's decision therefore stands.

Signed

Date

Deputy Upper Tribunal Judge Doyle