Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Numbers: VA/17049/2013
VA/10752/2013

THE IMMIGRATION ACTS

Heard at Eagle Building, Glasgow	**Decision and Reasons Promulgated**
On 27 May 2015	**On 8 June 2015**

Before

The President, The Hon. Mr Justice McCloskey and
Deputy Judge of the Upper Tribunal JG MacDonald

Between

ENTRY CLEARANCE OFFICER, ISTANBUL

Appellant

and

SARA GHOLAMI AND
ALIREZA SAVARKOOB

Respondents

Representation:
Appellant: Mrs M O'Brien, Senior Home Office Presenting Officer
Respondents: Ms J Todd of Latta and Co Solicitors

DETERMINATION AND REASONS

1. The Respondents to this appeal are mother (aged 34 years) and son (aged 4 years) respectively, both nationals of Pakistan. A lady who is the mother's sister, and the son's aunt, lives in the United Kingdom. This appeal has its origins in decisions made by the Entry Clearance Officer of Istanbul (the "*ECO*"), dated 25 July 2013, whereby the Respondents' application for clearance to enter the United Kingdom for

the avowed purpose of visiting the aforementioned lady for a period of three weeks was refused. The First-tier Tribunal (the "*FtT*"), allowed the Respondents' appeal.

2. Duly analysed, the decision of the ECO contains four findings, or evaluative assessments:

   (a) While the application made certain representations about the employment and income of the Respondents' spouse/father, no supporting evidence was provided.

   (b) Whereas the bank statements purported to demonstrate total funds of some £12,000 in the accounts of husband and wife respectively, these were based on deposits made during the previous three months and the source of these monies was not evidenced, thereby calling into question whether the money would be available for the purpose of the visit and related sojourn.

   (c) Thirdly, the source of the funding was Iran and the funds were, thus, not transferrable to the United Kingdom.

   Based on the above analysis, the ECO made two conclusions. First, that the Respondents were not genuinely seeking to enter the United Kingdom for the limited purpose and period stated or that they intended to leave: see paragraph 41(i) and (ii) of the Immigration Rules. Second, the asserted funds were not available to the Respondents and there was no evidence that the sponsor, who is unemployed, would be able to offer the requisite financial support or to accommodate them in her one bedroom property: see Rule 41(vi) and (vii) accordingly.

3. In the concluding paragraph of its determination, the FtT stated:

   > "I consider that the five tests in Razgar are met. The interference with family life is not necessary in a democratic society in the public interest ……
   >
   > The only way in reality for the Appellant to maintain family life with her sister and for her son to meet his aunt is for [them] to visit the sponsor in the UK. The reason for refusal was based on a reasonable reason at the time. However, the sponsor has explained the level of income and the source of the deposit in the account ….
   >
   > Close siblings do have family life and it is right that the sponsor's nephew be allowed to meet her given that he is able to meet his other aunts in person in Iran. He only wishes to do the same with his aunt in the United Kingdom. I do not consider that there is any reason for the Appellants to overstay in the United Kingdom."

   Permission to appeal to this Tribunal was granted in somewhat opaque terms. This, we consider, is at least in part a reflection of the equally obscure formulation contained in the application for permission. The application, in our view, contains in the main a series of mere quarrels with certain findings and evaluative assessments in the determination and, fundamentally, fails to formulate in a coherent and intelligible manner the error or errors of law said to vitiate the determination. In this context, we refer to the decision of this Tribunal in Nixon (Permission to Appeal: Ground) [2014] UKUT 00368 (IAC). It suffices to observe, with substantial understatement, that this application for permission to appeal was not a model of its type. Its manifold shortcomings are illustrated in the following omnibus claim:

> "It is submitted that the appeal is to be dismissed **in the interest of justice and fairness**, immigration control and economic wellbeing of the country, which is the purpose of the Immigration Rules."
>
> [Our emphasis.]

Those tasked with the responsibility of preparing applications of this kind, together with those who provide oversight, supervision and quality control should take note that this kind of pleading is utterly meaningless.

4. We conclude without hesitation that permission to appeal should not have been granted in the present case. That does not mean *ipso facto* that the decision of the FtT is necessarily beyond reproach. However, the framework of any appeal to this Tribunal is shaped by the terms in which permission to appeal is granted. The latter, in turn, invariably takes its cue from the application for permission. We began our assessment with the observation that the terms of the grant of permission to appeal are opaque. Viewed through the broadest and most generous prism, we conclude that the grant of permission suffers from the same fundamental failing contaminating the permission application itself. Insofar as the grant of permission was based on a suggestion that the FtT has made irrational findings and/or conclusions, the Appellant's challenge falls markedly short of overcoming this exacting threshold.

DECISION

5. The appeal is dismissed.

Signed

THE HON. MR JUSTICE MCCLOSKEY
PRESIDENT OF THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Date: 27 May 2015