



**Upper Tribunal  
(Immigration and Asylum Chamber)      Appeal Number: EA/01803/2020**

**THE IMMIGRATION ACTS**

**Heard at Manchester  
Via Teams  
On 30 November 2021**

**Decision & Reasons Promulgated  
On 09 December 2021**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

**GENTI ZGURI  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Ms Mahmud

For the Respondent: Ms Aboni, Senior Presenting Officer

**DECISION AND REASONS**

1. The appellant is a citizen of Albania who was born on 8 January 1988. He appealed to the First-tier Tribunal against a decision of the Secretary of State dated 11 February 2020 refusing his application for a residence card on the basis of his claimed marriage to an EEA citizen (Elana-Roxana Ureche, a citizen of Romania, hereafter the sponsor). The First-tier Tribunal, in a decision promulgated on 2 March 2021 found that the appellant and sponsor are parties to a marriage of convenience (the only issue in the appeal) and dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.

2. There are three grounds of appeal. First, the appellant complains that the judge did not make any findings as to the credibility of the three witnesses who attended the Tribunal hearing and who gave evidence as to the authenticity of the appellant and sponsor's relationship.
3. The judge considers the evidence of the witnesses at [42]. Contrary to what is asserted in the grounds, the judge went beyond simply observing that the witnesses 'did not take the evidence much further.' She noted that, although all the witnesses claimed to be close friends of the appellant and sponsor, they knew nothing of the wedding to which they had not been invited. One witnesses, Lee Taylor, had even been in contact with the appellant whilst the latter had been in Albania and 'yet the appellant did not tell [Mr Taylor] that he was getting married.' Whilst it would have been helpful if the judge had stated in terms what weight she attached to the evidence of the witnesses, it is patently clear that their evidence did nothing to undermine the arguments of the Secretary of State (upon whom the burden of proving that the marriage is not genuine rests) that the marriage was one of convenience. It is entirely clear what the judge made of this evidence notwithstanding that she has not stated expressly what weight she attached to it.
4. Secondly, the grounds assert that the judge failed 'to consider the evidence cumulatively and in the round.' As the grounds acknowledge, there was no obligation on the judge to make findings in respect of each and every item of evidence. It is difficult to see how a letter from the sponsor's father (of limited weight in any event given that he was not cross examined) supporting the appellant's case might be conclusive. Likewise, a letter from a letting agency saying that both appellant and sponsor on occasion 'dropped off the monthly rent payment' says nothing about the genuineness of the relationship. Photographs of the couple together have negligible, if any, probative value. Moreover, the judge was entitled to find that the fact that the appellant had not signed a tenancy agreement (the text of agreement does refer to him) was significant. I note that there was some confusion at the Upper Tribunal initial hearing regarding a subsequent tenancy document (apparently signed by the both sponsor and appellant and dated January 2021). That document is not in the IAC file and I am satisfied that it was not before the judge at the First-tier Tribunal hearing.
5. Thirdly, the appellant complains that the judge attached excessive weight to his immigration history. The appellant had been removed twice from the United Kingdom prior to his latest attempt to gain residence. Most significantly, the appellant entered the United Kingdom illegally in a lorry *after* the wedding and apparently without the knowledge of the sponsor. I am entirely satisfied that the judge was entitled to attach significant weight to these facts when considering whether the marriage of the parties is genuine; indeed, had she failed to do so she may have erred in law.

6. The grounds fail to mention the discrepancies between the evidence of the appellant and sponsor which the judge discusses in detail at [40-41]. In the light of those discrepancies, it was manifestly open to the judge to find that the evidence adduced by the sponsor and appellant was unsatisfactory and strongly indicated that the marriage is, as the Secretary of State asserts, one of convenience. Indeed, the judge's analysis at [40-41] was itself probably sufficient alone to justify the dismissal of the appeal in the First-tier Tribunal.
7. In the light of my findings and observations above, I find that none of the grounds of appeal have been made out. Accordingly, the appeal is dismissed.

**Notice of Decision**

This appeal is dismissed.

Signed

Date 30 November 2021

Upper Tribunal Judge Lane