



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

Appeal Numbers: OA/16884/2013  
OA/16891/2013  
OA/16887/2013

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 28 October 2014**

**Determination Promulgated  
On 6 November 2014**

**Before**

**UPPER TRIBUNAL JUDGE PERKINS**

**Between**

**ENTRY CLEARANCE OFFICER - NAIROBI**

Appellant

**and**

**AXELLE MUKOBYA AZAMA  
HUGUES MUKOBYA MUPENDA  
LUCIE ZENA MUKOBYA MANYUMBA**

Respondents

**Representation:**

For the Appellant: Mr T Wilding, Home Office Presenting Officer  
For the Respondents: Mr P Scott, Pickup Scott Solicitors


**DECISION AND REASONS**

1. Although this appeal concerns the welfare of children it raises nothing of a particularly personal nature. I see no need for, and do not make, any order restraining publication.
2. This is an appeal by the Entry Clearance Officer against a decision of the First-tier Tribunal allowing the appeal by the three respondents, herein after “the claimants”, against a decision of the Entry Clearance Officer refusing them permission to join a family member in the United Kingdom.
3. The grounds criticising the decision complain that the First-tier Tribunal Judge made no findings about their ability to satisfy the maintenance and accommodation requirements of the Rules. That, as a statement of fact, is correct but it overlooks that their ability to satisfy those parts of the Rules was never put in issue by the Entry Clearance Officer and neither was there anything in their

circumstances to suggest that it ought to have been in issue. Mr Wilding, fairly and properly, drew my attention to the evidence that at the material time the appellants could point to a sponsor with savings in excess of £17,000.

4. I do not know exactly what has happened here but I rather suspect that the grounds have been settled by someone not entirely apprised of the case and probably inadequately instructed. No doubt the grounds would not have been put in their present form if the officer responsible had a better grasp of the case. Mr Wilding could do no more than formally rely on grounds which he has not developed in any way.
5. I am satisfied that there is no material error of law here. It is not an obligation on the Tribunal to take points that are not in contention.
6. I dismiss the Entry Clearance Officer's appeals. The decision of the First-tier Tribunal allowing the appeals of the claimants shall stand.

Signed  
Jonathan Perkins  
Judge of the Upper Tribunal



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Dated 4 November 2014