



**IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM
CHAMBER**

**Case No: UI-2023-005286
First-tier Tribunal No:
EA/01288/2023**

THE IMMIGRATION ACTS

**Decision & Reasons Issued:
On the 04 April 2024**

Before

DEPUTY UPPER TRIBUNAL JUDGE WILDING

Between

**MR ABDIWALI ABSHIR BARQADLE
(ANONYMITY ORDER NOT MADE)**

Appellant

and

ENTRY CLEARANCE OFFICER

Respondent

Representation:

For the Appellant: Mr K Mukherjee, Counsel instructed by Ali & Barrow Solicitors

For the Respondent: Ms A Everett, Senior Home Office Presenting Officer

Heard at Field House on 22 January 2024

DECISION AND REASONS

1. The appellant appeals with permission against the decision of First tier Tribunal Judge Chana ('the Judge') who dismissed his appeal against the respondent's decision not refuse entry clearance under appendix EU(Family Permit).

Background

2. The appellant is a national of Somalia born on 10 February 1996. On 28 November 2022 he applied for entry clearance as the spouse of his claimed wife under the EU Settlement Scheme. This application was refused by the respondent on the basis that it was not accepted that the marriage was valid due to a series of discrepancies in the documentation submitted, in particular:

- a. The marriage certificate is not in the usual format.
 - b. There are spelling mistakes on both the marriage certificate and translation.
 - c. There is no registration date on the marriage certificate only the translation, instead just the date of the wedding.
 - d. The reference number is a 2022 date, rather than the year of the wedding in 2019.
 - e. The document issued on 21 November 2020 is over 18 months after the claimed wedding.
 - f. Relevant information was missing from the translation.
3. The respondent as a consequence did not accept the documentation was reliable.
 4. The Judge found that the appellant had not addressed the inconsistencies in the documentation in their evidence, and that the serious discrepancies were unexplained. As the burden is on the appellant, the Judge found that he had not discharged that burden.
 5. The appellant appealed, permission was granted on the basis that the grounds asserted that the Judge had ignored the explanation given in the evidence and that after the refusal the appellant had obtained a further amended marriage certificate dated 19 February 2023. The appellant submits that the Judge had failed to scrutinise the evidence before her.

The hearing

6. I heard submissions from the two representatives which is contained in my record of proceedings, I do not set them out here.

Decision and reasons

7. I have carefully considered the submissions and the evidence that was before the Judge. I have concluded that there is no error of law in her decision. Ultimately the appellant's appeal falls down because as Ms Everett highlighted in her submissions on behalf of the respondent, the Entry Clearance Officer had raised a series of questions in relation to the documentation submitted with the application. The appellant and sponsor did not give any explanation for those issues in their evidence.
8. The statement before the Judge from the sponsor simply addresses the alleged delay due to Covid-19. The statement then simply disputes that there are any discrepancies, I have considered the documentation submitted and there are clear differences between the documents as identified by the respondent, the appellant had an opportunity to address these, but failed to do so.
9. As a consequence, the real question is what could the Judge make of the updated certificate in light of the previous documentation with discrepancies in it. In all the circumstances the Judge's conclusion was

that the discrepancies were unanswered and she was not satisfied that the appellant had discharged the burden on him.

10. The 2023 document, which is asserted contains no discrepancies, has to be viewed in the context of the 2020 document which has unaddressed issues within it. The Judge found that the appellant had not adequately addressed those. This was a finding open to the Judge to come to in light of the lack of explanation in the evidence before her, as a consequence the 2023 document in my judgment would not have resolved matters in the appellant's favour.

Notice of Decision

There is no error of law in the Judge's decision.

The appeal is dismissed.

Judge T.S. Wilding

Deputy Judge of the Upper Tribunal
Immigration and Asylum Chamber

Date: 23rd March 2024