



**Upper Tribunal
(Immigration and Asylum Chamber)
HU/21358/2016**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Field House

On 8th March 2018

**Decision &
Promulgated
On 4th April 2018**

Reasons

Before

DEPUTY UPPER TRIBUNAL JUDGE RENTON

Between

**LESLIE ANN ARCHIBALD
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

ENTRY CLEARANCE OFFICER - SHEFFIELD

Respondent

Representation:

For the Appellant: No appearance

For the Respondent: Ms Z Ahmed, Home Office Presenting Officer

DECISION AND REASONS

Introduction

1. The Appellant is a female citizen of the United States of America born on 16th September 1982. She applied for entry clearance to the UK as the partner of a British citizen namely the Sponsor David Archibald under the provisions of Appendix FM of HC 395. That application was refused on the 10th August 2016 for the reasons given in a Notice of Refusal of that date. The Appellant appealed and her appeal was decided without a hearing by First-Tier Tribunal Judge Traynor (the Judge). He decided to dismiss the appeal for the reasons given in his Decision dated 20th March 2017. The Appellant sought leave to appeal that decision and on 22nd January 2018 such permission was granted.

Error of Law

2. I must first decide if the decision of the Judge contained an error on a point of law so that it should be set aside.
3. At the hearing before me there was no appearance by or on behalf of the Appellant. No explanation was given for the absence of the Sponsor or anyone else representing the Appellant. I was satisfied that the Appellant had been notified of the time, place and date of the hearing, and I considered it in the interests of justice to proceed. I therefore heard the appeal in the absence of the Appellant in accordance with the provisions of Rule 38 of the Tribunal Procedure (Upper Tribunal) Rules 2008.
4. The Sponsor had produced voluminous grounds in support of the application for leave to appeal. Permission to appeal was granted on the narrow issue that the Judge had failed to consider properly the savings available to the Appellant and the Sponsor. I found that the Judge carried out a careful and thorough analysis of the Appellant's financial circumstances in the course of concluding that the decision of the Respondent did not amount to a disproportionate breach of the Appellant's Article 8 ECHR rights at paragraphs 24 to 38 inclusive of the Decision. This included a full consideration of the savings available to the Appellant and the Sponsor derived from gifts from the Sponsor's grandmother. I note that in the grant of leave to appeal a Direction was made relating to those savings with which the Appellant has failed to comply. I am satisfied that the Judge took into account all of the relevant evidence before him and that there this no material error of law.

Decision

The making of the decision of the First-Tier Tribunal did not involve the making of an error on a point of law.

I do not set aside that decision.

The appeal to the Upper Tribunal is dismissed.

Anonymity

The First-Tier Tribunal did not make an order for anonymity. I was not asked to do so, and indeed find no reason to do so.

Signed

Date 3rd April 2018

Deputy Upper Tribunal Judge Renton