



**Upper Tribunal
(Immigration and Asylum Chamber)
OA/06273/2015**

Appeal Number:

THE IMMIGRATION ACTS

**Heard at Newport (Columbus
House)
On 16 May 2017**

**Decision & Reasons
Promulgated
On 31 May 2017**

Before

UPPER TRIBUNAL JUDGE GRUBB

Between

**M C
(ANONYMITY DIRECTION MADE)**

Appellant

and

ENTRY CLEARANCE OFFICER - ACCRA

Respondent

Representation:

For the Appellant: Mr E Haq of E Haq & Co
For the Respondent: Mr D Mills, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The anonymity order imposed by the Upper Tribunal in its decision dated 23 February 2017 remains in force.
2. The appellant is a citizen of the Gambia who was born on 17 May 2007. On 2 March 2015, she applied for entry clearance to settle in the UK under para 297 of the Immigration Rules (HC 395 as amended) on the basis that both her parents were settled in the UK. On 19 March 2015, the Entry Clearance Officer refused her application. That decision was affirmed by the Entry Clearance Manager on 22 June 2015.

3. The appellant appealed to the First-tier Tribunal. Judge Lodge dismissed her appeal under para 297 and also under Art 8. On 23 September 2016, the First-tier Tribunal granted the appellant permission to appeal to the Upper Tribunal.
4. In a decision dated 23 February 2017 the Upper Tribunal (UTJs Grubb and Chalkley) concluded that the First-tier Tribunal had erred in law in dismissing the appellant's appeal under the Immigration Rules. The full reasons are set out in the Upper Tribunal's decision and it is not necessary to repeat them here. The Upper Tribunal set aside the First-tier Tribunal Judge's decision and adjourned the appeal for a resumed hearing before the Upper Tribunal in order to remake the decision under para 297.
5. In its earlier decision at paras 16-19, the Upper Tribunal made clear that the only outstanding matters in relation to para 297 were those in sub-paras (iv) and (v), namely whether the appellant had established that she met the maintenance and accommodation requirements of the Rules.
6. At the resumed hearing, the appellant put into evidence a bundle of documents relating to her parents' employment and accommodation. I admitted those documents without objection under rule 15(2A) of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/2698 as amended). At the outset of the appeal, Mr Mills, who represented the ECO accepted, on the basis of that documentation, that the appellant had established on a balance of probabilities that she met the maintenance and accommodation requirements in para 297(iv) and (v). He accepted that the appeal should be allowed under para 297.
7. For these reasons, therefore, it is established that the appellant met the requirements of para 297. The appellant is entitled to the grant of entry clearance in order to settle in the UK with her parents.
8. The appellant's appeal is allowed under para 297 of the Immigration Rules.

Signed

A Grubb
Judge of the Upper Tribunal

Dated 30 May 2017

TO THE RESPONDENT
FEE AWARD

The appeal is allowed and, in the exercise of my discretion, I make a full fee award of any fee paid or payable.

Signed

A Grubb
Judge of the Upper Tribunal

Date 30 May 2017