



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Numbers: VA/24934/2012
VA/24935/2012

THE IMMIGRATION ACTS

Heard at Field House
On 3 September 2013

Determination Sent
On 4 September 2013

Before

UPPER TRIBUNAL JUDGE MCGEACHY

Between

SHAHED AHMED
MAJIDA YASMIN

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Mr M A Choudhury, instructed by KC Solicitors
For the Respondent: Mr G Saunders, Home Office Presenting Officer

DECISION AND DIRECTIONS

1. These are the conjoined appeals of Shahed Ahmed and Majida Yasmin, his wife, who appealed against decisions of the Visa Officer, Dhaka, made on 20 June 2012 to refuse to grant them entry clearance as visitors under paragraph 41 of HC 395.

2. Their appeals were heard on 26 April 2013 by Judge of the First-tier Tribunal Lucas. He dismissed the appeals on the basis that there was no valid appeal before him. That decision appears to have been based on his construction of the Visit Visa Regulations. It may well be that his reasoning was that the sponsor was a distant relative whereas, although it had been mentioned in the application form that relatives who came within the Visit Visa Regulations were to be visited they were not sponsors. Judge Lucas did not go into the merits of the appeal, merely stating that there was no valid appeal before him.
3. The appellants appealed and permission was granted by First-tier Tribunal Judge Hemingway.
4. In granting permission he referred to decisions of the Tribunal in **RK (Bangladesh) [2006] UKAIT 45** and **Ajakaiye (Nigeria) [2011] UKUT 375 (IAC)** which dealt with the issues of the relevance of those whom the appellant intended to visit.
5. It was accepted by Miss Horsley of the Specialist Appeals Team in a Rule 24 statement dated 15 August 2013 who said that the application was not opposed and that the appellants had a full right of appeal to the Tribunal. That is a correct reading of the Regulations. I therefore set aside the determination of Judge Lucas and following the provisions of the Senior President's Practice Direction 7.2, direct that this appeal proceed to a fresh hearing before a judge at Hatton Cross. No interpreter is required; time estimate of two hours.

Decision.

The decision of the First-tier judge is set aside and the appeal is allowed to the limited extent that it is remitted to the First-tier for a hearing afresh.

Directions.

This appeal will be heard at Hatton Cross with a time estimate of 2 hours.

Signed

Date

Upper Tribunal Judge McGeachy