



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

Appeal Number: VA/12802/2013

**THE IMMIGRATION ACTS**

**Heard at Manchester**

**On 30<sup>th</sup> July 2014**

**Determination**

**Promulgated**

**On 1 August 2014**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE MCCLURE**

**Between**

**MR ALI HAMEED  
(NO ANONYMITY DIRECTION MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT  
(ON BEHALF OF THE ECO ABU DHABI)**

Respondent

**Representation:**

For the Appellant: No attendance

For the Respondent: Miss Johnson, Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. The appellant, Mr Ali Hameed date of birth 28th of November 1998, is a citizen of Pakistan.

2. I have considered whether any of the parties to the present proceedings requires the protection of an anonymity direction. I have taken account all of the circumstances including the fact that the appellant is a minor. I do not consider it necessary to make an anonymity direction.
3. This appellant was making an application for entry clearance or a visit visa to come to the United Kingdom with his parents, Mr Abdul Hameed and Mrs Khair Un Nisa. The parents' appeal numbers are VA/12799/2013 and VA/12801/2013. The FCO number for the appeals is 1001114. There is a further reference number for the Home Office of N1997385/2.
4. The appeals were determined on the papers by First-tier Tribunal Judge A J Parker by determination promulgated on 28 April 2014. Judge Parker allowed the appeal of all three "appellants".
5. This is an appeal by the respondent against that determination in respect of the named appellant only. Whilst it is the respondent's appeal I have kept the designation of the parties as they appear in the original determination.
6. This appeal encompasses only the appeal of the appellant named above and not of the parents of the appellant. The appeals by the two remaining appellants having been allowed by the judge and not having been challenged by the respondent, as yet, stand at this point in time.
7. In respect of the appellant his application was to come to the United Kingdom as a family visitor. The Immigration Decision dated 27 May 2013 pointed out that he did not meet the requirements of the Immigration Appeals (Family Visitor) Regulations 2012 and as such he had no right of appeal to the Tribunal under Section 88 A of the 2002 Act.
8. The Regulations stipulates the family relationship that has to exist between a sponsor and an appellant in order for an individual to have a right of appeal to the Tribunal. According to the papers submitted the appellant was at best coming to visit an uncle. As that relationship is not one that is provided for in the Regulations, it is the contention of the respondent that the appellant does not have a right of appeal to the Tribunal.
9. The respondent contends that the judge has erred in allowing the appeal in respect of the appellant because he did not have jurisdiction to hear the appeal.
10. Having considered the evidence presented it is clear that the relationship of the sponsor to the appellant is at best that of uncle to nephew. That relationship does not meet the requirements of the Regulations. Accordingly the judge did not have jurisdiction and could not allow the appeal. By allowing the appeal the judge has made an error of law. The decision in respect of the appellant has to be set aside and a fresh decision made.

11. In listing this matter for hearing before the Upper Tribunal notice of hearing was sent out to the sponsor. A letter has been received from the sponsor. In that letter the sponsor states that he does not know any of the appellants and he has not sponsored them to come to the United Kingdom. He requires his name be taken off the application as a sponsor.
12. The appeals of the two adult appellants, the parents of the present appellant, are not before me. However it is now a matter for the ECO in light of the information received as to whether or not he issues the parents with any visa or whether he cancels any visas that have already been granted.
13. With regard to this appellant even on his case he was not visiting a family member within the terms of the 2012 Regulations. He accordingly has no right to appeal to the Tribunal. This matter has to be dismissed for want of jurisdiction.

#### Decision

14. The original tribunal made a material error of law and I substitute the following decision in respect of the named appellant;-

The appeal is dismissed on all grounds.

I make no fee award.

Signed

Date

Deputy Upper Tribunal Judge McClure