



IAC-AH-RG-V1

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

Appeal Number: VA/18569/2013

THE IMMIGRATION ACTS

Heard at Bradford

On 9 October 2014

**Determination
Promulgated**

On 22 October 2014

Before

UPPER TRIBUNAL JUDGE CLIVE LANE

Between

ENTRY CLEARANCE OFFICER - ABU DHABI

Appellant

and

ARSHAD ALI

Respondent

Representation:

For the Appellant: Mr McVeety, Senior Home Office Presenting Officer

For the Respondent: Mr S Rahman (Sponsor)

DETERMINATION AND REASONS

1. I shall refer to the appellant as the respondent and to the respondent as the appellant (as they were respectively before the First-tier Tribunal).

2. The appellant is a citizen of Pakistan born on 6 March 1986. He had applied for a visit visa that had been refused by a decision of the respondent dated 23 September 2013. He had appealed to the First-tier Tribunal (Judge N J Osborne) which, in a determination promulgated on 19 June 2014 allowed the appeal. The Entry Clearance Officer now appeals, with permission, to the Upper Tribunal.
3. The determination of the First-tier Tribunal must be set aside. This is an appeal which was limited to grounds of race relations and human rights only (see Section 84(1)(c) of the Nationality, Immigration and Asylum Act 2002). The appellant is the nephew of the United Kingdom sponsor. The judge had no jurisdiction to allow the appeal under the Immigration Rules. Human rights (including Article 8 ECHR) were not pleaded in the grounds of appeal to the First-tier Tribunal. It is difficult to see how Article 8 may, in any event, be engaged in an application based upon the facts as set out in the papers.
4. In consequence, I set aside the determination of the First-tier Tribunal. I have remade the decision. The appeal against the respondent's refusal dated 23 September 2013 is dismissed.

DECISION

5. The determination of the First-tier Tribunal dated 19 June 2014 is set aside. I have remade the decision. The appeal against the decision of the respondent dated 23 September 2013 is dismissed.

Signed

Date 21 October 2014

Upper Tribunal Judge Clive Lane