



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

**Appeal Number: VA/34714/2012**

**THE IMMIGRATION ACTS**

**Heard at Manchester**

**Determination**

**On 11<sup>th</sup> December, 2013**

**Promulgated**

**On 6<sup>th</sup> January, 2014**

Before

**Upper Tribunal Judge Richard Chalkley**

**Between**

**ENTRY CLEARANCE OFFICER**

Appellant

**And**

**FATEMA BEGUM CHOWDHURY**

Respondent

Representation

*For the appellant: Ms C Johnstone a Home Office Presenting Officer.*

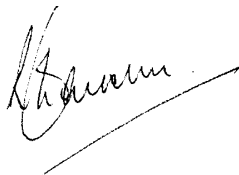
*For the respondent: Mr C Timson of counsel*

**DETERMINATION AND REASONS**

1. The Entry Clearance Officer is the appellant and I she refer to her as the “claimant” in this determination. The respondent is female, a citizen of Bangladesh and was born on 15<sup>th</sup> June

1978. She had appealed to the First Tier Tribunal against the decision of the claimant to refuse to grant her entry clearance as a family visitor under Paragraph 41 of Statement of Changes in Immigration Rules, HC 395, as amended (“the immigration rules”).

2. The First Tier Tribunal Judge allowed the respondent’s appeal, but the claimant challenged the decision on the basis that the refusal did not carry a right of appeal, because the respondent was not related to the sponsor as required by the Immigration Appeals (Family Visitor) Regulations, 2012
3. Ms Johnstone, very properly and fairly pointed out that that was the only challenge to the determination, but that it appeared that it had been conceded by the Home Office Presenting Officer appearing before the First Tier Tribunal Judge that the respondent did come within the category of family members at Regulation 2(3)(4). She was happy to concede that the respondent did fall within that category and suggested that the respondent’s appeal should be allowed since that was the only challenge.
4. Having carefully read the determination of the First-tier Tribunal and the grounds of application, I am satisfied that the making of the previous decision by First Tier Tribunal Judge Lambert does not involve the making of an error on a point of law. My decision is that **the determination shall stand, the respondent’s appeal be allowed.**



**Upper Tribunal Judge Chalkley**

**11<sup>th</sup> December, 2013**