



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

Appeal Number: IA/05736/2015

**THE IMMIGRATION ACTS**

**Heard at North Shields  
On 8 January 2016  
Prepared on 8 January 2016**

**Determination Promulgated  
On 14 January 2016**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE JM HOLMES**

**Between**

**MICHELLE FRANCIS  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**And**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

Representation:

For the Appellant: in person

For the Respondent: Mr Kingham, Home Office Presenting Officer

**DECISION AND REASONS**

1. The Appellant, born 27 October 1986, is a citizen of Pakistan.
2. On 27 August 2014 the Appellant applied for a variation of her leave to remain as the dependent of her husband, a Tier 4 (General) Student.
3. That application was refused on 31 December 2014 on the basis that her husband's simultaneous application for a variation of his

leave to remain as a Tier 4 (General) Student had been refused on 21 October 2014, when a s47 removal decision had also been made in relation to him. Thus a s47 removal decision was also made in relation to the Appellant.

4. The Appellant duly appealed against those immigration decisions and her appeal was heard on 11 May 2015 by Judge Pickup, and disposed of on the papers filed at her request. The appeal was dismissed under the Immigration Rules in a Decision promulgated on 12 May 2015.
5. The Appellant's application to the First Tier Tribunal for permission to appeal was refused by Judge Ford on 24 July 2015, but the renewed application to the Upper Tribunal was allowed by Upper Tribunal Judge Blum on 10 September 2015 given that the Appellant's husband had been granted permission to appeal to the Upper Tribunal against the decisions made in relation to him.
6. Thus the matter comes before me.
7. Upon the appeal being called on for hearing I explained to the Appellant and her husband that although Judge Blum had directed that the Appellant's appeal should be linked to the appeal pursued by her husband, and listed for hearing before the same Judge, the appeals had not been linked, apparently through administrative oversight. I explained that in my view nothing turned on that because as it turned out, it was I who had heard the appeal of the Appellant's husband on 21 October 2015. The Appellant accepted that, and accepted that she had no objection to my hearing her appeal.

#### The decision under appeal

8. The Appellant accepts that in the light of the decision promulgated by the Upper Tribunal on 24 November 2015 in her husband's appeal (IA/06496/2015) she cannot succeed under the Immigration Rules. She proposes to leave the UK and pursue her career abroad.
9. No Article 8 appeal was pursued before the First Tier Tribunal by the Appellant. There was no material before the Judge that should have alerted her to the need to consider of her own motion the guidance to be found in Nasim [2014] UKUT 25, and no evidence to establish that the decisions under appeal engaged her Article 8 rights.
10. There is in the circumstances no material error of law in the decision of Judge Pickup to dismiss the appeal under the Immigration Rules that requires that decision to be set aside and remade. The decision to dismiss the appeal is accordingly confirmed.

#### DECISION

The Determination of the First Tier Tribunal which was promulgated on 12 May 2015 did not involve the making of an error of law in the decision to dismiss the appeal that requires that decision to be set aside and remade. The decision to dismiss the appeal is accordingly confirmed.

Direction regarding anonymity - Rule 14 Tribunal Procedure (Upper Tribunal) Rules 2008

The Appellant did not seek anonymity before the First Tier Tribunal, and no request for anonymity is made to me. There appears to be no proper basis for the Upper Tribunal to make such a direction of its own motion.

Deputy Upper Tribunal Judge JM Holmes  
Dated 8 January 2016