



IAC-AH-KEW-V1

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

Appeal Number: IA/35641/2014

THE IMMIGRATION ACTS

**Heard at Field House
On 14 December 2015**

**Decision & Reasons Promulgated
On 6 January 2016**

Before

UPPER TRIBUNAL JUDGE MCGEACHY

Between

GHAZALA BILQUEES

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Z Malik, of Counsel, instructed by Malik Law Chambers Solicitors

For the Respondent: Mr S Walker, a Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant, a citizen of Pakistan born on 24 September 1954 appeals with permission against a decision of Judge of the First-tier Tribunal Monson who in a determination promulgated on 26 March 2015 dismissed the appellant's appeal against a decision of the Secretary of State to refuse her leave to remain as a dependant relative.
2. The applicant has visited Britain on a number of occasions but last entered as a visitor in December 2013. In June 2014 she applied for further leave to remain. Her application was considered by the Secretary of State and

refused on the basis that the applicant could not meet the provisions of paragraphs 276ADE(1)(iii), (iv) and (v) and(vi). It was considered that there were no exceptional circumstances which would mean that the applicant should be allowed to remain outside the Rules.

3. In his determination Judge Monson set out his findings in paragraphs 23 onwards. He accepted that the applicant wished to remain with her daughter and son-in-law in Britain but concluded that taking into account that the applicant had another daughter in Pakistan as well as her son there - although he accepted that the applicant did not get on with her daughter-in-law - and that money could be sent to her to make her life more comfortable in Pakistan, not only could she not qualify under the Rules but also there was a public interest consideration which weighed heavily against her - in this regard he referred to Section 117B of the 2002 Act.
4. It was on that last point that permission to appeal was granted by Upper Tribunal Judge Storey - he had considered the grounds of appeal which referred to the case of **Dellah v SSHD (IA/08394/2014)** which, in drafting the grounds of appeal Mr Malik, had stated had been reserved by the Upper Tribunal.
5. At the hearing of the appeal before me Mr Malik confirmed that the determination in that case had now been promulgated and that the Upper Tribunal had concluded that it was appropriate to take into account the provisions of Section 117B when determining an appeal.
6. He therefore accepted that the appeal should be dismissed but stated that the decision in **Dellah** was being appealed to the Court of Appeal and therefore he asked me to note that the appellant's position was reserved pending a decision of the Court of Appeal.
7. In these circumstances I have concluded that the decision of the Judge of the First-tier Tribunal contains no error of law and that that decision shall stand.

Notice of Decision

This appeal is dismissed.

Signed

Date

Upper Tribunal Judge McGeachy