



**Upper Tribunal  
(Immigration and Asylum Chamber)  
HU/01540/2016**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 9 April 2018**

**Decision & Reasons  
Promulgated  
On 18 April 2018**

**Before**

**UPPER TRIBUNAL JUDGE JOHN FREEMAN**

**Between**

**ZUGRIA ISKUZHINA**

appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

respondent

**Representation:**

For the appellant: *Frances Shaw*, counsel instructed by Parker Rhodes  
Hickmotts

For the respondent: Miss K Pal

**DECISION AND REASONS**

1. This is an appeal by a citizen of the Russian Federation, born in what was then the Soviet Union in 1947. On 21 December 2015 she was refused a dependent relative visa to join her daughter, who is a British citizen. The reasons included a statement that she had no significant health problems. On 7 March 2016 that decision was confirmed on administrative review, and that reason was maintained, though financial grounds were no longer relied on.
2. On 24 April 2017 the appeal came before the judge, with oral evidence from the sponsor. The judge's note begins as follows "sponsor attends

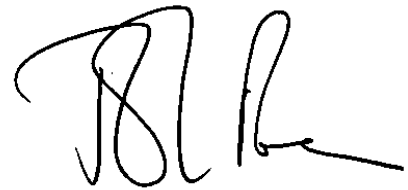
and gives medical evidence. In November 2016 she had open heart surgery for valve replacement” and goes on to relate the problems that the appellant had had as a result of that. Unfortunately when the judge came to write the decision he dealt with the medical evidence as follows, at paragraph 9:

“Whilst there is medical evidence that the appellant had a hernia operation in September 2015, no medical evidence has been provided that the appellant requires long term personal care to perform everyday tasks, nor has the availability of care provision in Russia been investigated properly or at all.”

The relevant Rule E-ECDR.2.4 required that the applicant for a visa of this category “must as a result of age, illness or disability require long term personal care to perform everyday tasks”. Unfortunately the judge did not deal with the evidence about that, which clearly had been put before him, and the decision must be set aside and the appeal re-decided.

3. As I am told that there is further evidence about the appellant's medical state which will be relevant as of the date of the eventual hearing, there will be a fresh hearing before a different first-tier judge.

**Appeal allowed: decision set aside  
Fresh hearing before another first-tier judge**



(a judge of the Upper Tribunal)

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April 2018