



**Upper Tribunal
(Immigration and Asylum Chamber)
IA/18237/2013**

Appeal No:

THE IMMIGRATION ACTS

**Heard at Field House
Determination Promulgated
on 12 August 2014**

on 26 August 2014

Before

DEPUTY JUDGE OF THE UPPER TRIBUNAL DIGNEY

Between

IRIS AGIA DASS ROBIN (MRS)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the appellant: Not represented

For the respondent: Mr Duffy, Home Office Presenting Officer

DETERMINATION AND REASONS

- 1.** The appellant, a citizen of Pakistan who was born in 1938, applied for leave to remain both under the Immigration Rules and under the provisions of the ECHR. That application was refused and an appeal against the decision dismissed. Both the Secretary of State and the judge concluded that the appellant did not meet the requirements of the rules and could not succeed under the ECHR.
- 2.** An application for permission to appeal was made and was refused by First-tier Tribunal Judge Osbourne who gave full and clear reasons as to

why he concluded that there was no arguable error of law in the determination. The application was renewed to the Upper Tribunal, where permission was granted. The judge granting permission said:

(2) Whilst brevity has its place in the writing of determinations, it can never be at the expense as arguably here, of clear and adequate reasoning.

(3) In such circumstances, and without wishing to unduly raise the Appellant's hopes, I am just persuaded to grant permission to appeal.

3. The first ground of appeal states that the judge did not properly consider the guidance given in various cases as to the correct approach when dealing with the Immigration Rules and the ECHR. As the judge, in reality, considered the Immigration Rules and then considered article 8, there can be nothing in this point.
4. The second ground says that the judge did not properly follow the five stage Razgar approach. It is also said, in ground 8, that the judge did not carry out a proper balancing exercise. The judge covered all the matters that Razgar demands be dealt with, and carried out a proper balancing exercise, covering all relevant points. There is no legal error in the judge's treatment of article 8.
5. The remaining grounds are no more than disagreements as to the judge's conclusions and the weight that she gave to various matters. The judge reached conclusions that she was entitled to reach on the evidence and her reasoning is not vitiated by any errors of law. The appellant's real problem is that neither of the daughters with whom she wishes to live is settled in this country. As the determination points out, at the end of paragraph 11, although the respondent's position may change if that of the appellant's daughters changes, at the present time there is no reason to suppose that the appellant can remain for any length of time and in those circumstances, as the facts are at the present time, the decision to remove is proportionate.
6. It follows that the original judge made no error of law. The original decision stands.

The appeal is dismissed

Designated Judge Digney
Judge of the Upper Tribunal
15 August 2014

Appeal Number: