



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

Appeal Number: VA/01383/2014

THE IMMIGRATION ACTS

Heard at Manchester

On 6th January 2015

**Determination
Promulgated**

On 12th January 2015

Before

UPPER TRIBUNAL JUDGE MARTIN

Between

MR MUHAMMAD ALI MIRZA

and

ENTRY CLEARANCE OFFICER - ABU DHABI

Appellant

Respondent

Representation:

For the Appellant: Not Represented

For the Respondent: Mr G Harrison (Senior Home Office Presenting Officer)

DETERMINATION AND REASONS

1. This is an appeal to the Upper Tribunal, with permission, by the Appellant, a Pakistani national who had been reused leave to enter the UK as a family visitor for three weeks to visit his cousin.
2. His appeal came before First-tier Tribunal Judge Davies on 7th August 2014 when the Appellant was not represented and the Sponsor did not attend. The Sponsor did not attend before me either. A letter

was received by the Tribunal saying that a Rashid Arshad could not attend and asking for a new date and a transfer to London here he lives. That however is not the Sponsor on the court record who lives in Ashton-under-Lyne and in any event there was no explanation given as to why that person could not attend. I therefore proceeded with the matter.

3. Permission to appeal having been granted it is my task to decide if whether the First-tier Tribunal made an error of law and if so whether and to what extent the determination should be set aside.
4. Judge Davies dismissed the appeal for want of jurisdiction as the decision attracted only a limited right of appeal – on Human Rights or Race Relations grounds. Judge Davies said that there was no indication that the appeal was on that basis.
5. In that the Judge erred as the grounds of appeal clearly raise both. I thus set aside his determination and proceed to redecide it.
6. Although the grounds of appeal make the claim that the decision is discriminatory and a breach of Human Rights, no evidence or detail is contained in the very lengthy grounds or in the bundle. The detail is all about whether or not the Appellant meets paragraph 41 of the Immigration Rules and that is not within the Tribunal's jurisdiction.
7. The appeal is dismissed.

Signed

Dated 9th January 2015

Upper Tribunal Judge Martin