



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

Appeal Number: OA/08578/2015

**THE IMMIGRATION ACTS**

**Heard at Bradford  
On 23 May 2017**

**Decision & Reasons Promulgated  
On 11 July 2017**

**Before**

**UPPER TRIBUNAL JUDGE CLIVE LANE**

**Between**

**CHAUDHRY TAHIR  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**ENTRY CLEARANCE OFFICER - ISLAMABAD**

Respondent

**Representation:**

For the Appellant: Not present or represented

For the Respondent: Mrs Pettersen, a Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant Chaudhry Tahir was born on 30 April 1982 and is a male citizen of Pakistan. He had applied for entry clearance to the United Kingdom for settlement as the spouse of Aneela Mushtaq (hereafter referred to as the sponsor). His application was refused by a decision of the Entry Clearance Officer (Islamabad) by a decision dated 20 April 2015. The appellant appealed to the First-tier Tribunal (Judge Mensah) which, in a decision promulgated on 20 June 2016, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.

2. I acknowledge that there are, *prima facie*, problems arising from the judge's analysis of the evidence submitted by the appellant dealing with the financial requirements of the Immigration Rules. It is also possible that the judge has assessed the evidence as at the wrong date (as at the date of the hearing before her, rather than the date of the application for the Entry Clearance Officer). However, I note that there was no attendance by the sponsor or any representative at the hearing in the Upper Tribunal on 23 May 2017. I had on file a letter from the appellant's previous solicitors (Henry Hyams) dated 19 May 2017 which informs the Tribunal to "communicate with the appellant in future correspondence". The Tribunal also received on 3 May 2017 a witness statement from the sponsor which is signed by her and dated 26 April 2017. This statement contains the words,

"I am no longer in a relationship with the appellant and the relationship has broken down. I would request the Home Office and the Tribunal make a note of my sponsorship ending and amend their respective records accordingly. Under the circumstances I request my documents and evidence provided be returned to my home address as stated above."

3. The Tribunal has no reason to believe that this document has not been submitted by any person other than the sponsor. Obviously, the statement has been provided after the date of the First-tier Tribunal's decision. I am reminded that Section 12(2) of the Tribunals, Courts and Enforcement Act 2007 (as amended) provides that I may (but need not) set aside the decision of the First-tier Tribunal where that decision involves the making of an error on a point of law. This appeal has not been withdrawn by the appellant but it has, in effect, been brought to an end by the fact that the appellant and the sponsor are no longer in a genuine and subsisting relationship according to the evidence provided by the sponsor. In these unusual circumstances, I do not consider it would be appropriate, even if I were to find that the First-tier Tribunal had erred in law, to set aside the decision dismissing the appeal.

### **Notice of Decision**

This appeal is dismissed.

No anonymity direction is made.

Signed

Date 1 June 2017

Upper Tribunal Judge Clive Lane

**TO THE RESPONDENT**  
**FEE AWARD**

I have dismissed the appeal and therefore there can be no fee award.

Signed

Date 1 June 2017

Upper Tribunal Judge Clive Lane