



IAC-FH-NL-V1

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

Appeal Number: VA/04977/2014

THE IMMIGRATION ACTS

**Heard at Bradford
On 21st October 2015**

**Decision & Reasons Promulgated
On 20th November 2015**

Before

UPPER TRIBUNAL JUDGE D E TAYLOR

Between

**RAKHMAT BIBI
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

ENTRY CLEARANCE OFFICER

Respondent

Representation:

For the Appellant: The sponsor, Asmat Naveed

For the Respondent: Ms Johnstone, Home Office Presenting Officer

DECISION AND REASONS

1. This is the appellant's appeal against the decision of Judge Caswell made following a hearing at Bradford on 15th April 2015.

Background

2. The appellant applied to come to the UK for eight weeks as a family visitor to see her sister and was refused on 30th July 2014.
3. The judge heard oral evidence from the sponsor whom she found to be credible. She said that the sponsor's evidence was consistent with the

evidence in the papers as to the appellant's intentions and her circumstances in Pakistan.

4. However the appellant's right of appeal against the refusal is limited to a challenge that the decision breaches her right to family life under Article 8 of the ECHR. The judge found that there was no evidence that there was a greater than usual dependency between the sisters, who were both adults, and therefore that Article 8 was not engaged. Accordingly the appeal had to be dismissed.
5. The appellant sought permission to appeal on the grounds that the sponsor guarantees that her sister will be returning to Pakistan and she was willing for the court to keep any passports or other documentation to prove it.
6. Permission to appeal was initially refused by Judge Grimmett on 19th June 2015 but subsequently granted by Upper Tribunal Judge Finch on 7th August 2015.
7. I carefully explained to the sponsor that the judge had no power to decide whether the Entry Clearance Officer's decision to refuse a visit visa was correct or not. The only decision before her was whether the appellant's rights under Article 8 would be breached by the refusal.
8. The judge was plainly entitled to find that there would be no such breach. Accordingly, there was no error of law in her decision. The correct course is for the appellant to make another application, and to show the judge's determination to the Entry Clearance Officer, so that a fresh decision on whether a visa should be issued can be made, in the light of the judge's findings.

Notice of Decision

9. The judge did not err in law. The appeal is dismissed.
10. No anonymity direction is made.

Signed

Date

Upper Tribunal Judge Taylor