



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

Appeal Numbers: HU/11938/2016
HU/11944/2016
HU/11945/2016

THE IMMIGRATION ACTS

**Heard at Field House
On 28 July 2017**

**Decision & Reasons
Promulgated
On 21 August 2017**

Before

DEPUTY UPPER TRIBUNAL JUDGE RAMSHAW

Between

ENTRY CLEARANCE OFFICER

Appellant

and

MRS M A

MR D A

MR Q A

(ANONYMITY DIRECTION MADE)

Respondents

Representation:

For the Appellant: Mr P Armstrong, Home Office Presenting Officer
For the Respondents: No appearance

DECISION AND REASONS

1. Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) I make an anonymity order. Unless the Upper Tribunal or a

Court directs otherwise, no report of these proceedings or any form of publication thereof shall directly or indirectly identify the original Appellant. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to contempt of court proceedings.

2. This is an appeal by the Entry Clearance Officer against a decision of the First-tier Tribunal. To avoid confusion I will refer to the appellant as the Entry Clearance Officer and to the respondents to this appeal as the claimants.
3. The claimants are mother and sons and they are Pakistani nationals born respectively on [] 1946, [] 2000 and [] 2005. They applied to come to the United Kingdom for fifteen days for a family visit. The Entry Clearance Officer refused entry clearance on 16 March 2016. The claimants appealed against the Entry Clearance Officer's decision to the First-tier Tribunal.

The appeal to the First-tier Tribunal

4. In a decision promulgated on 18 December 2017 First-tier Tribunal Judge R Caswell allowed the claimants' appeals.
5. The claimants applied for permission to appeal against the First-tier Tribunal's decision not to make a fee award. That application was considered and on 22 March 2017 First-tier Tribunal Judge Kinnell refused permission to appeal.
6. The Entry Clearance Officer applied for permission to appeal against the decision of the First-tier Tribunal. On 14 June 2017 First-tier Tribunal Judge Pedro granted the Entry Clearance Officer permission to appeal. However, it appears that the Entry Clearance Officer did not file a notice of appeal in January 2017 with regard to this case.
7. Following correspondence between the administrative staff of the Upper Tribunal and the Home Office, the matter came before Upper Tribunal Judge Jordan who, in a decision of 30 June 2017, refused to extend time and refused to grant permission to appeal. Judge Jordan considered the email correspondence between the Upper Tribunal administrative staff and the Home Office. It would appear that an application was processed on 24 January 2017. However, as Judge Jordan sets out no actual application on these appeals were received by the Upper Tribunal on 24 January. At paragraph 5 of Judge Jordan's reasons he set out "*I construe this as meaning that no application was made in HU/11939,-44,-45/2016 on 24 January 2017 although another application was made in an unrelated case*". Judge Jordan went on to consider whether or not to extend time for an appeal. Judge Jordan considered whether time ought to be extended in this case but decided to refuse the respondent permission to appeal.

8. The matter had already been listed for a hearing on 28 July 2017 and Judge Jordan indicated that that hearing should go ahead in the context of a much more limited scope resulting from his refusal of the respondent's application for permission to appeal. The only matter therefore that appeared to be in contention with whether or not the claimants can appeal against an order for costs. Judge Jordan indicated that he could not find any grant of permission to appeal to the claimants.
9. Having reviewed the file and as set out above it is clear that permission to appeal against the refusal of the First-tier Tribunal Judge to award a fee was refused by First-tier Tribunal Judge Kimnell. I do not have on file any application or renewed application to appeal against that decision to the Upper Tribunal. Therefore I consider that there are no outstanding matters. However, if it is to be construed that (giving the most favourable interpretation) the claimants have renewed an application for permission to appeal against the First-tier Tribunal's decision not to make a fee award) I refuse permission to appeal. It is clear that the judge considered whether or not to award a fee and has given an entirely valid reason for refusing to award a fee.
10. As permission to appeal has not been granted to either the Entry Clearance Officer or the claimants the decision of the First-tier Tribunal stands.

Signed P M Ramshaw

Date 21 August 2017

Deputy Upper Tribunal Judge Ramshaw