



IAC-FH-NL-V1

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

Appeal Number: VA/16561/2013

THE IMMIGRATION ACTS

Heard at Bradford

On 9th October 2014

**Determination
Promulgated**

On 6th November 2014

Before

UPPONER TRIBUNAL JUDGE D E TAYLOR

Between

MOKNTAZ ALI THAKUR MIAH

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr M Janjua of Bashir Consultancy

For the Respondent: Mr M Diwnycz, Home Office Presenting Officer

DETERMINATION AND REASONS

1. This is the Appellant's appeal against the decision of Judge Saffer made following a hearing at Bradford on 11th June 2014.

Background

2. The Appellant sought a visa in order to come to the UK to visit his niece.
3. The application was refused on the grounds that the Entry Clearance Officer was not satisfied that the Appellant's circumstances were as claimed nor that his niece would be able to maintain and accommodate him in the UK.
4. The judge, in a brief determination, agreed with the Entry Clearance Officer, found that the evidence of the Appellant's circumstances was inadequate and dismissed the appeal. He made no findings in relation to the Sponsor's circumstances.
5. The Appellant sought permission to appeal which was granted on 28th August 2014.
6. Under the Immigration Appeals (Family Visitor) Regulations 2012 the appeal rights of persons refused visit visas are restricted to family members as defined in Section 2(2), which does not include nieces. When I raised the point with Mr Janjua he said that she was also going to come and see her brother.
7. First it is clear from the application form that the Sponsor in this case is the Appellant's niece since she is named as the person the Appellant will be staying with. Moreover she provided the letter of invitation and declaration in support of the application.
8. I therefore conclude that the person to be visited in this case is the Appellant's niece. Whilst mention has been made of a brother, although the Entry Clearance Manager clearly had doubts as to whether they were related as claimed, I am satisfied that the Sponsor, the person to be visited in the UK, is the Appellant's niece and on that basis the judge had no jurisdiction to hear the appeal.

Decision

9. The judge's decision is set aside and remade as follows. The appeal is dismissed for want of jurisdiction.

Signed

Date

Upper Tribunal Judge Taylor

4th November 2014