



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

Appeal Number: VA 29688 2012

THE IMMIGRATION ACTS

**Heard at Field House
On 28 February 2014**

**Determination Promulgated
On 12 March 2014**

Before

UPPER TRIBUNAL JUDGE PERKINS

Between

ENTRY CLEARANCE OFFICER ABU DHABI

Appellant

and

BINESH BASIT TOOR

Respondent

Representation:

For the Appellant: No appearance or representation

For the Respondent: Ms A Everett, Home Office Presenting Officer


DETERMINATION AND REASONS

1. This is an appeal by the Entry Clearance Officer against the decision of the First-tier Tribunal allowing the appeal of the present respondent (who I will call the claimant) against the Entry Clearance Officer's decision to refuse her entry clearance as a visitor.
2. The claimant did not appear before me and was not represented. Proper notice of hearing was sent to the claimant on 30 January 2014 by air mail and by ordinary post to the solicitors in the United Kingdom who were said to represent her. Clearly this is good service under the rules and, in any event, I am confident that there was sufficient time to respond if that is what the claimant wished. This is not the sort of case where any kind of response is to be expected. I therefore continued with the hearing in the claimant's absence.
3. As is explained clearly in the Entry Clearance Officer's grounds before me, the First-tier Tribunal had no jurisdiction to entertain an appeal from this claimant because she is not related to the person she intended to visit in a way they qualified her as a family visitor under the Immigration Rules. It follows therefore

the First-tier Tribunal had no jurisdiction to entertain the appeal and should not have allowed it.

4. I therefore set aside the decision of the First-tier Tribunal and substitute a decision dismissing the appeal.

Signed
Jonathan Perkins
Judge of the Upper Tribunal



Dated 7 March 2014