



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

Appeal Number: IA/42270/2014

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 23<sup>rd</sup> March 2016**

**Decision & Reasons Promulgated  
On 11<sup>th</sup> April 2016**

**Before**

**Deputy Upper Tribunal Judge Pickup  
Between**

**Um UI Banin  
[No anonymity direction made]**

Appellant

**and**

**Secretary of State for the Home Department**

Respondent

**Representation:**

For the appellant: Not represented

For the respondent: Ms A Brocklesby-Weller, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. This is the claimant's appeal against the decision of First-tier Tribunal Judge Shiner promulgated 25.8.15, dismissed her appeal and that of her partner Mr Imran Ali Khan (IA/42268/2014), against the decision of the Secretary of State, dated 10.10.14, to refuse his application made in August 2014 for leave to remain as a Tier 1 Entrepreneur and this appellant's application to remain as his dependent spouse. The Judge heard the appeal on 31.7.15.

2. First-tier Tribunal Judge Hollingworth granted permission to appeal on 19.1.16.
3. Thus the matter came before me on 23 March 2016 as an appeal in the Upper Tribunal.

### **Error of Law**

4. For the reasons summarised below, I find no error of law in the making of the decision of the First-tier Tribunal such as to require the decision of Judge Shiner to be set aside.
5. Only the appeal of Mrs Banin was listed before me. On examination of the case papers it is clear that by letter dated 15.1.16 Mr Khan withdrew his appeal and it was recorded as withdrawn on 18.1.16. His reason for withdrawing the appeal was that he had decided to seek leave to remain on the basis of 10 years continuous lawful residence and had an interview scheduled for 20.1.16. However, his letter requested that the appeal of his dependant wife continue.
6. Mr Khan's appeal having been dismissed in the First-tier Tribunal and there being no extant appeal to the Upper Tribunal, there can be no basis for this appellant's appeal to continue. As a partner Mrs Banin's claim is entirely dependant on that of Mr Khan. Notwithstanding, Judge Hollingworth saw fit to grant permission to appeal to Mrs Banin. That permission should not have been granted.
7. In the circumstances, there is no merit in the appeal. It cannot succeed and must be dismissed.

### **Conclusions:**

8. The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law such that the decision should be set aside.

I do not set aside the decision.

The decision of the First-tier Tribunal stands and the appeal remains dismissed.



**Signed**

**Deputy Upper Tribunal Judge Pickup**

**Dated**

**Anonymity**

I have considered whether any parties require the protection of any anonymity direction. No submissions were made on the issue. The First-tier Tribunal did not make an order.

Given the circumstances, I make no anonymity order.

**Fee Award**                      **Note: this is not part of the determination.**

In the light of my decision, I have considered whether to make a fee award.

I have had regard to the Joint Presidential Guidance Note: Fee Awards in Immigration Appeals (December 2011).

I make no fee award.

Reasons: the appeal has been dismissed.



**Signed**

**Deputy Upper Tribunal Judge Pickup**

**Dated**