



**Upper Tribunal
(Immigration and Asylum Chamber)**
VA/01840/2015

Appeal Number:

VA/01841/2015

THE IMMIGRATION ACTS

Heard at Hatton Cross

**Decision and Reasons
promulgated**

On 4 September 2017

On 10 October 2017

Before

DEPUTY JUDGE OF THE UPPER TRIBUNAL CHANA

Between

**MISS ABIGAIL SYLVIA ASAMOAH
MR EDMUND KOBBY ASAMOAH
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE ENTRY CLEARANCE OFFICER-Ghana

Respondent

Representation

For the appellant: not represented

For the respondent: Mr S Staunton, Home Office Presenting Officer

DECISION AND REASONS

1. The appellant in this appeal is the Secretary of State for the Home Department. The respondents are citizens of Ghana born on 18 September 1988 and 10 March 1992 respectively. They are brother and sister. I shall however for the sake of convenience continue to refer to the parties as they were referred to before the First-tier Tribunal. The Secretary of State remains the respondent and the appellants remain the appellants.

2. The appellants appealed to the First-tier Tribunal against the decision of the respondent to refuse their applications for entry clearance as visitors pursuant to paragraph 41 of the Immigration Rules.
3. First-tier Tribunal Judge Rothwell allowed the appellants appeals under Article 8 of the European Convention on Human Rights.
4. At the hearing Miss Staunton for the respondent stated that there is no valid appeal before me to determine because the appeals were not refused under Article 8 of the European Convention on Human Rights.
5. I consider that to be the correct position and find that there is no valid appeal before me to determine because the appellants do not have a right of appeal against their refusal as visitors under the immigration rules. The First-tier Tribunal Judge materially erred in law in allowing the appeal under the Article 8 of the European Convention on Human Rights.
6. The appellant's right of appeal is limited to human rights grounds Pursuant to s88A of the 2014 Act only if there is a decision to refuse the appellants application under Article 8 of the European Convention on Human Rights. There is no such refusal by the respondent and therefore they had no right of appeal before the First-tier Tribunal.
7. It follows that there was no valid appeal before me to determine and I have no jurisdiction in the matter. That disposes of these appeals.

DECISION

Appeals Dismissed as it is not a valid appeal

I make no anonymity directions

There is no valid appeals before me and therefore there can be no fee order

Signed by

A Deputy Judge of the Upper Tribunal

Mrs S Chana
September 2017

Dated this 8th day of