



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: HU/04967/2016

THE IMMIGRATION ACTS

Heard at Field House
On 25 September 2018

Decision sent to parties on
On 15 October 2018

Before

UPPER TRIBUNAL JUDGE GLEESON

Between

GURPREET KAUR
(NO ANONYMITY ORDER MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: No appearance or representation

For the Respondent: Mr N Bramble, a Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant appeals with permission against the decision of the Secretary of State to refuse her further leave to remain as the spouse of her husband, because she could not satisfy the minimum income requirements set out in Appendix FM of the Immigration Rules HC 395 (as amended) including Section EX.1 of Appendix FM. Both parties are of Indian origin although the husband is now a British citizen and settled in the United Kingdom.

2. The First-tier Judge accepted that the marriage was genuine and subsisting, but the evidence was that the sponsor husband had never earned as much as £18,600 per annum, the wife having been admitted before the requirement was set at that level.
3. The parties had the misfortune to be represented by Malik Law Chambers and when I last heard this appeal on 26 April 2018 they had been the subject of an intervention by the Solicitors Regulation Authority some 7 days earlier on 19 April 2018 and Sky Solicitors had been very recently instructed. I granted an adjournment of the error of law hearing, to give Sky Solicitors time to become properly instructed. I directed relisting after two months, with a Punjabi interpreter. I gave the appellant permission to appeal her grounds of appeal, if so advised, within 14 days, and the respondent permission to amend his Rule 24 Reply, if so advised.
4. Sky Solicitors took the opportunity to amend their grounds of appeal on 8 May 2018. The amended grounds rely on *Huang*, *Razgar* and *Chikwamba* in rather generic terms as well as *EB (Kosovo)* before proceeding to contend that the First-tier Tribunal's reasoning is inadequate and insufficient and that the First-tier Judge committed an error of law in finding that there were no compassionate or compelling circumstances.
5. The appellant's case as now advanced is that the First-tier Tribunal erred in law in failing properly to consider the family unit or Article 8 ECHR rights. Strikingly there is no mention of the Immigration Rules in the grounds of appeal, which are directed only to Article 8 outside the Rules.
6. There are no compassionate or compelling circumstances in this case and it may well be that the appellants have been so advised because they have neither appeared nor arranged representation for the hearing this morning.
7. On the basis of the evidence and the amended grounds, I am quite satisfied that the grounds disclose no arguable no material error of law in the decision of the First-tier Tribunal and I dismiss the appeal.

Signed: *Judith A J C Gleeson*
Upper Tribunal Judge Gleeson

Date: 8 October 2018