



IAC-FH-CK-V1

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

Appeal Number: OA/05061/2014

THE IMMIGRATION ACTS

Heard at Field House

**Decision and Reasons
Promulgated
On 21 July 2015**

On 16 June 2015

**Determination prepared 16 June
2015**

Before

UPPER TRIBUNAL JUDGE MCGEACHY

Between

ENTRY CLEARANCE OFFICER - NEW DELHI

Appellant

and

MRS SHAKUNTALA PANDEY

Respondent

Representation:

For the Appellant: Mr S Whitwell, Senior Home Office Presenting Officer

For the Respondent: None

DETERMINATION AND REASONS

1. The appellant, a citizen of India born on 10 September 1940, appealed against a decision of the Entry Clearance Officer dated 28 March 2014 who refused her entry clearance as an adult dependent relative. Her appeal was allowed in the First-tier but when the matter came before me sitting with The Honourable Mr Justice McGowan on 28 April 2015 we set aside the decision of the First-tier Tribunal and ordered that the appeal proceed to a hearing afresh.

2. The appellant's representatives thereafter sought to withdraw the appeal but as this was an appeal in the Upper Tribunal they were unable to do so.
3. I now formally dismiss the appellant's appeal as I consider that she has not proved, on the evidence before the Entry Clearance Officer when the application was made, that she qualified for leave to enter under the terms of the Immigration Rules.
4. It appears that since the application was refused the appellant's health and circumstances have considerably deteriorated and it is appropriate that the appellant's circumstances, as they are now, are considered by the Entry Clearance Officer when he considers a fresh application.
5. As it is, however, the determination of the Judge of the First-tier Tribunal having been set aside I formally dismiss this appeal.

Notice of Decision

The appeal is dismissed.

Signed

Date

Upper Tribunal Judge McGeachy