



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

Appeal Number: OA/06473/2014

THE IMMIGRATION ACTS

Heard at Field House

Decision & Reasons

On 13 July 2015

Promulgated

On 14 July 2015

Before

Deputy Upper Tribunal Judge Pickup

Between

The ENTRY CLEARANCE OFFICER Abu Dhabi

Appellant

And

Muhammad Amin

[No anonymity direction made]

Claimant

Representation:

For the claimant: Not represented

For the appellant: Mr E Tufan, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The claimant, Muhammad Amin, date of birth 1.1.73, is a citizen of Pakistan.
2. This is the appeal of the Entry Clearance Officer against the decision of First-tier Tribunal Judge Anthony promulgated 9.1.15, allowing the claimant's appeal against the decision of the respondent to refuse entry clearance to the United Kingdom as a business visitor pursuant to paragraph 46G of the Immigration Rules. The Judge heard the appeal on 2.1.15.

3. First-tier Tribunal Judge Cruthers granted permission to appeal on 18.2.15.
4. Thus the matter came before me on 13.7.15 as an appeal in the Upper Tribunal.

Error of Law

5. For the reasons set out below I find that there was an error of law in the making of the decision of the First-tier Tribunal such that the determination of Judge Anthony should be set aside and remade.
6. As explained in the refusal decision of 2.4.14, by section 88A of the 2002 Act, the claimant had only a limited right of appeal against the decision, limited to the grounds referred to in 84(b) & (c), referring to human rights or race discrimination.
7. Judge Anthony appears to have overlooked the limited right of appeal and proceeded to address the merits of the application under the Immigration Rules, which is not permitted.
8. The email response of the claimant's representatives in Pakistan has been taken into account. However, they do not raise any grounds that would enable the Tribunal to entertain the appeal.
9. In the circumstances the decision must be set aside and remade.
10. In remaking the decision in the appeal, I find for the reasons set out above, that the the claimant has failed to identify any admissible ground of all. It follows that there is no valid appeal before the Tribunal.

Conclusions:

11. The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law such that the decision should be set aside.

I set aside the decision.

I re-make the decision in the appeal by finding that there is no valid appeal before the Tribunal.



Signed

Deputy Upper Tribunal Judge Pickup

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 pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

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 (rule 23A (costs) of the Asylum and Immigration Tribunal (Procedure) Rules 2005 and section 12(4)(a) of the Tribunals, Courts and Enforcement Act 2007).

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

I make no fee award.

Reasons: There is no valid appeal before the Tribunal.



Signed

Deputy Upper Tribunal Judge Pickup