



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

Appeal Numbers: HU/08358/2015  
HU/08359/2015  
HU/08360/2015  
HU/08362/2015

**THE IMMIGRATION ACTS**

**Heard at Bradford  
On 2<sup>nd</sup> May 2017**

**Decision & Reasons Promulgated  
On 11<sup>th</sup> May 2017**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE D E TAYLOR**

**Between**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**and**

**FAIZA ASHRAF (FIRST APPELLANT)  
[B A] (SECOND APPELLANT)  
[M H] (THIRD APPELLANT)  
[O A] (FOURTH APPELLANT)  
(ANONYMITY DIRECTION NOT MADE)**

Respondents

**Representation:**

For the Appellant: Mr Diwncyz  
For the Respondent: No representative

**DECISION AND REASONS**

1. This is the Secretary of State's appeal against the decision of Judge Cox made following a determination on the papers on 4<sup>th</sup> July 2016.
2. The claimants are Pakistani nationals who applied for visas to visit the first appellant's brother. They were refused on 27<sup>th</sup> September 2015. It was

said that the claimant's father had died on 2<sup>nd</sup> September 2015 and they wished to visit the UK to see remaining family members here. The judge allowed the appeal on Article 8 grounds.

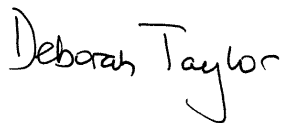
3. The Secretary of State appealed on the basis that the judge had failed to find that there was any family life for the purposes of Article 8 between the appellants and the sponsor and had wrongly applied Abbasi and another (visits – bereavement – Article 8) [2015] UKUT 00463 which had no application to this case since the claimant's father had died in Pakistan.
4. There was no appearance by the appellants.
5. I agree with the Secretary of State that the judge erred in law in allowing the appeal on human rights grounds without first making a decision as to whether the claimants enjoyed family life with their adult relatives in the UK. Moreover he misapplied the case of Abbasi which concerned the visiting of a grave in the UK by family members who lived elsewhere.
6. There was no proper evidence before the judge upon which he could decide that family life existed between these adult siblings.
7. The grounds state that it was unclear as to whether the judge found that the requirements of the Immigration Rules had been met. That is not correct. It is quite clear from the judge's reasoning that he was satisfied that the substantive Rules were met and he said so at paragraph 29 of his decision. It is plain that there was a typographical error in the concluding paragraph.
8. Since the primary facts of the decision are unchallenged there is no reason why, if the claimants decided to make another application, it would not succeed since the concerns raised by the Entry Clearance Officer were found not to be made out by the judge.

### **Notice of Decision**

9. The original judge erred in law. His decision is set aside. It is remade as follows. The claimants' appeals are dismissed.
10. No anonymity direction is made.

Signed

Date 10 May 2017



Deputy Upper Tribunal Judge Taylor