



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: EA/03763/2017

THE IMMIGRATION ACTS

Heard at Field House
On 5th October 2018

Determination Promulgated
On 11th October 2018

Before

UPPER TRIBUNAL JUDGE COKER

Between

ADEEL ANWAR

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr K Ahmed
For the Respondent: Ms Z Kiss

DETERMINATION AND REASONS

1. The appellant's appeal against the First-tier Tribunal decision that it did not have jurisdiction to determine his appeal against a decision of the respondent dated 18th February 2017 refusing him a family permit must fail.
2. Although there were errors in the decision of the respondent, the respondent cannot grant a statutory right of appeal where one does not exist. The First-tier Tribunal and the Upper Tribunal are creatures of statute and cannot determine a statutory appeal where one does not exist.
3. In this case, the decision to refuse the appellant's application for a family permit was taken under the Immigration (European Economic Area) Regulations 2016; there is no right of appeal against such decisions.
4. There is no material error of law in the First-tier Tribunal decision.

Conclusions:

The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.

I do not set aside the decision; the decision of the First-tier Tribunal stands.

Date 5th October 2018

A handwritten signature in cursive script, appearing to read "Jane Coker", is written in black ink. The signature is contained within a rectangular box that has a vertical line on its right side and a horizontal line at its bottom, which is a dashed line.

Upper Tribunal Judge Coker