



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: IA/04603/2014

THE IMMIGRATION ACTS

Heard at Field House
On 19 September 2014

Determination Promulgated
On 3 October 2014

Before

UPPER TRIBUNAL JUDGE ESHUN

Between

MR SULTAN QASIM FEROZ

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: In Person
For the Respondent: Ms J Isherwood, Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant is a national of Pakistan born on 1 October 1981. He appeals with leave against the decision of First-tier Judge Ferguson, who in a decision promulgated on 1 May 2014, dismissed his appeal against the decision of the

respondent made on 10 January 2014 to refuse him further leave to remain as a Tier 4 Student.

2. The appellant first entered the UK on 19 August 2011 with leave as a Tier 4 Student valid until 19 January 2013. On the day his leave expired he submitted a further application for leave to remain in the same capacity.
3. The respondent refused the appellant's application on 10 January 2014. 30 points were awarded as claimed for the production of a valid CAS. The respondent awarded him no points for maintenance because:

"...You are required to show that you are in possession of £1,600 for a consecutive 28 day period to meet the Tier 4 requirements of paragraph 1A of Appendix C of the Immigration Rules. You have provided no evidence of the funds available to you so you have not demonstrated that you have the level of funds required".

4. The appellant's appeal was determined as a paper case. The judge noted that the appellant had provided no information in any of the sections of his appeal form which requested the reasons why he had appealed. There was no document provided with the appeal form setting out any grounds of appeal. There was no supporting evidence provided at all, specifically no bank statements or other financial documents to establish that he held the level of funds required by the Rules. In view of the lack of documentary evidence to support his appeal, the judge dismissed his appeal.
5. The appellant was granted permission because he had enclosed with his appeal form a copy of the Post Office slip and a copy of his grounds which he sent to the Tribunal. The documents were contained in a separate bundle received by the Tribunal on 25 March 2014. The bundle contained the original Reasons for Refusal Letter, the same grounds that the appellant now enclosed with his grounds for permission to appeal, an affidavit of support, a letter from a bank, a bank statement and a completed questionnaire. The First-tier Judge who granted permission said it was unclear whether this bundle was placed before the judge before he determined the appeal. She granted permission on the basis that it is arguable that the evidence may have made a material difference to the outcome or to the fairness of the proceedings.
6. The appellant confirmed that his leave to enter had been granted for study at Wilson College. He had studied at this college for four or five months until sometime in 2012 when the college's licence was revoked. Thereafter he was given 60 days to find a new college and submit a new CAS issued by the International School of Business Studies on 23 January 2013 for a course leading to a Higher National Diploma in Business. The course was to end on 25 July 2014. He was able to pursue this course for a short period of time using his biometric letter from the Home Office as proof of his application. However, this was short-lived and he was unable to attend further classes as of March 2013.

7. The appellant accepted that the bank statement he had submitted with his application was "*weak*". When I asked him to explain what he meant by "*weak*" he said that the bank statement did not have much money in it. When I told him that he was required to show that he had £1,600 over a 28 day consecutive period, he said that because he did not have the required level of funds, he had asked his mother for money. He put the money in his account and submitted the bank statement to the Home Office. However, that bank statement showed that he had £1,600 for only one day.
8. In view of the appellant's own admission that he did not have £1,600 in his bank account over a period of 28 consecutive days, I found that his appeal could not succeed.
9. Whilst I find that the judge did not have the appellant's bundle of documentary evidence before him, the bundle of documents would not have made a material difference to his decision.
10. Accordingly I find that the judge did not err in law in dismissing the appellant's appeal. The judge's decision shall stand.

Signed

Date

Upper Tribunal Judge Eshun