



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: IA/21232/2013

THE IMMIGRATION ACTS

Heard at Glasgow  
on 17 July 2014

Determination promulgated  
On 21 July 2014

Before

Mr C M G OCKELTON, VICE PRESIDENT  
UPPER TRIBUNAL JUDGE MACLEMAN

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

KOUSAR PARVEEN & ADNAN LIAQAT

Respondents

For the Appellant: Mrs M O'Brien, Senior Presenting Officer  
For the Respondent: written representations from Sky Solicitors Ltd

No anonymity order requested or made

DETERMINATION AND REASONS

1. The parties are as above, but are referred to in the rest of this determination as in the First-tier Tribunal.
2. The SSHD appeals against a determination by First-tier Tribunal Judge McGrade, promulgated on 23 January 2014.

3. The point at issue is whether the judge was right to apply ¶245AA of the Rules to deficiencies in a bank letter which was undated and failed to name the first appellant. He said at ¶11 of his determination that the letter was “in the wrong format” and the SSHD should have given her the chance to put this right.
4. Mrs O’Brien submitted along the lines of the SSHD’s grounds, which maintain that these were not minor omissions but requirements of the Rules; that the judge gave no adequate reasons for finding these omissions to amount to being in the wrong format; and that “wrong format” relates to the way information is presented, not to failure to include specified information. She referred us to *Akhter and another* (paragraph 245AA: wrong format) [2014] UKUT 00297 (IAC).
5. The appellants’ representatives made submissions by letter of 15 July 2014. A copy of a bank letter is said to be attached, obtained at a later date, to show that had the first appellant been given the chance she could have made matters good. Unfortunately, the copy is entirely illegible, but nothing turns on that, unless it is shown the respondent should have asked the appellant if she could improve her application.
6. The letter also says that “evidential flexibility policy” should have been applied, and that it might be “in the interests of justice” not to decide this case in advance of *Rodriguez* (now *Mandalia*) being heard “in the coming month” in the Supreme Court.
7. We reserved our determination.
8. There is no good reason not to decide this case on the law as presently settled.
9. Mrs O’Brien was correct that *Akhter* is in point. That case was decided by a panel comprising the President, The Hon. Mr Justice McCloskey, and Upper Tribunal Judge Clive Lane. The report is headnoted:

*A bank letter, which does not specify the postal address, landline telephone number and email address of the account holders is not thereby “in the wrong format” for the purposes of paragraph 245AA of the immigration rules (documents not submitted with applications).*
10. There was nothing before the First-tier Tribunal (or before us) to suggest that this case might be governed by any policy of the respondent more liberal than the terms of ¶245AA, as the appellants’ solicitors have rather vaguely suggested. In fact, we are fairly confident from the history set out in the case law that there is no such policy.

11. As in *Akhter*, giving ¶245AA(b) its ordinary and natural meaning, it does not apply to the shortcomings in this application. Put another way, as in the SSHD's grounds, this was not a case of an incorrect format but of missing information. The judge was not entitled to hold that the appellants should have been given an opportunity to rectify the deficiencies in the application.
12. The determination of the First-tier Tribunal is **set aside**, and we substitute the following decision: the appeals, as originally brought by the appellants to the First-tier Tribunal, are **dismissed**.

A handwritten signature in black ink, reading "Hugh Maclemon". The signature is written in a cursive style with a large, stylized initial 'H'.

17 July 2014  
Judge of the Upper Tribunal