



**Upper Tribunal  
(Immigration and Asylum Chamber) Appeal Number: IA/38139/2013**

**THE IMMIGRATION ACTS**

**Heard at Field House, London**

**Determination  
Promulgated**

**On 12 June 2014**

**On 2 July 2014**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE GRIMES**

**Between**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**And**

**SAVEENA HANET**

Respondent

**Representation:**

For the Appellant: Mr S Whitwell, Home Office Presenting Officer

For the Respondent: Mr A Earnest, Kumar Legal Ltd

**DETERMINATION AND REASONS**

1. This determination refers to parties as they were in the First-tier Tribunal.
2. The appellant, a national of India, appealed to the First-tier Tribunal against the decision of the respondent to refuse her application for leave to remain in the UK as a Tier 4 (General Student) under the Points Based System (PBS). First-tier Tribunal Judge I Ross allowed the appeal and the Secretary of State now appeals with permission to this Tribunal.
3. The appellant entered the UK as a Tier 4 (General) student on 14 October 2011 with leave to enter until 31 July 2013. She applied for an extension of leave to remain and that application was refused by the respondent because she did not achieve the 10 points claimed for maintenance. This was because the bank statements she provided related to the period between 19

and 22 June 2013, a period of less than the required 28 consecutive days and more than one month before the application date of 24 July 2013.

4. The First-tier Tribunal Judge decided that a loan letter from Catholic Syrian Bank, which had been provided by the appellant with her application, could be taken into account and when it was taken into account the appellant could show that she was entitled to the 10 points for maintenance. The Judge was satisfied that the letter contains the specified information listed in Appendix C paragraph 1B (d) [7].

#### Error of law

5. The relevant provisions of Appendix C 1B applicable at the date of decision in this case are as follows;

**“1B** In all cases where Appendix C or Appendix E states that an applicant is required to provide specified documents, the specified documents are:

...

(d) If the applicant is applying as a Tier 4 Migrant, an original loan letter from a financial institution regulated for the purpose of student loans by either the Financial Conduct Authority (FCA) and the Prudential Regulation Authority (PRA) or, in the case of overseas accounts, the official regulatory body for the country the institution is in and where the money is held, which is dated no more than 6 months before the date of the application and clearly shows:

- (1) the applicant's name,
- (2) the date of the letter,
- (3) the financial institution's name and logo
- (4) the money available as a loan,
- (5) for applications for entry clearance, that the loan funds are or will be available to the applicant before he travels to the UK, unless the loan is an academic or student loan from the applicant's country's national government and will be released to the applicant on arrival in the UK,
- (6) there are no conditions placed upon the release of the loan funds to the applicant, other than him making a successful application as a Tier 4 Migrant, and
- (7) the loan is provided by the national government, the state or regional government or a government sponsored student loan company or is part of an academic or educational loans scheme. “

6. The respondent appealed against that decision on the grounds that the Judge had erred in considering the loan letter because it did not contain the details required by Appendix C paragraph 1B (d). It was contended in particular that the loan letter did not confirm the details set out in paragraph 1B (d) (7)). It was contended that the Judge made no finding that paragraph 1B (d) (7) had been met and had given inadequate reasons for finding that the letter met paragraph 1B (d).
7. At the hearing before me Mr Earnest submitted a print off from the UKBA website entitled ‘Table 3: Financial institutions whose financial statements are accepted – India’. The Catholic Syrian Bank is named on that list. Mr Whitwell submitted that this list is from Appendix P and relates to a different part of the Immigration Rules. I am satisfied that this list does not confirm that the bank meets Appendix C paragraph 1B (d) (7).

8. Mr Earnest asserted that the Catholic Syrian Bank is a Government supported bank and that student loans are provided through the bank but was unable to refer to any evidence before the First-tier Tribunal Judge to that effect. He submitted print outs from the Reserve Bank of India and Catholic Syrian Bank websites. However these were not before the Judge and in any event neither document refers to either bank being a student loan company or part of an academic or educational loans scheme.
9. The Judge made a general finding that the letter from Catholic Syrian Bank met the requirements of paragraph 1B (d). The letter appears to provide the evidence listed in paragraph 1B (d) (1) - (4) and (6), (5) does not apply as it is not an application for entry clearance. However the letter does not confirm the information set out in paragraph (7) and there was no other evidence before the Judge to demonstrate that paragraph (7) had been met. In these circumstances the Judge's finding that the letter contains the specified information listed in paragraph 1B (d) is not supported by the evidence. This is a material error and I set the decision aside.

#### Re-making the decision

10. I heard oral evidence from the appellant who said that the government in India provides educational loans through banks recognised by the government to provide loans for higher studies abroad. She said that the Catholic Syrian Bank is such a recognised bank. When asked about this in cross-examination the appellant said that when she referred to a recognised bank she meant one that was listed on the UKBA website. She accepted that she had no other evidence that the Catholic Syrian Bank is connected to the Indian Government.
11. The appellant's evidence on this issue was confused. She seemed confused between the Indian and the UK government's approval of the Bank. The appellant provided no documentary evidence to support her assertion. I cannot therefore attach any weight to her evidence that the Catholic Syrian Bank administers an academic or educational loans scheme.
12. On the basis of the evidence before me I am not satisfied that the letter from the Catholic Syrian Bank dated 22 June 2013 meets the requirements of Appendix C paragraph 1B (d) (7). The appellant has not therefore shown that she meets the maintenance requirements of Appendix C of the Immigration Rules.

#### Conclusion:

The making of the decision of the First-tier Tribunal did involve the making of an error on point of law.

I set aside the decision.

I re-make the decision in the appeal by dismissing it.

Signed

Date: 1 July 2014

A Grimes

**Deputy Judge of the Upper Tribunal**