



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

Appeal Number: IA/18806/2014

THE IMMIGRATION ACTS

Heard at Field House

**Decision and
Promulgated**

Reasons

On 15th January 2015

On 16th January 2015

Before

UPPER TRIBUNAL JUDGE MARTIN

Between

MR VENKAT REDDY AEMIREDDY

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondents

Representation:

For the Appellant: Mr N Jeganathan (Acculegal Solicitors)

For the Respondents: Mr N Bramble (Senior Home Office Presenting Officers)

DETERMINATION AND REASONS

1. This is an appeal to the Upper Tribunal, with permission, by the Appellant with regard to a determination of the First-tier Tribunal (Judge Boyd) promulgated on 1st October 2014 by which he dismissed the Appellant's appeal against the Secretary of State's decision to refuse him leave to remain in the UK as a Tier 1 (Entrepreneur) Migrant.
2. The grounds on which permission to appeal was granted by a First-tier Tribunal Judge argue that the Judge erred in taking irrelevant factors into account, in particular that the Sponsor's account was opened a month

before the application was made when all the Appellant had to show was that he had access to the money at the date of application.

3. Secondly, the grounds argue that the fact that the Appellant's company was bought "off the shelf" was immaterial to its being a genuine company. Thirdly, it is argued that the Judge erred in finding that the Appellant did not have a web site when there was evidence that he did and fourthly it is argued that it was irrelevant to the appeal whether the Appellant had previous experience which, in fact, he did have.
4. The main reason the Appellant's application was refused was because he had submitted a bank statement and letter from the bank in India which appeared to post date the application. The Secretary of State sent an email to the bank which confirmed that the account was only opened one month after the date of the application. That email was adduced as was the letter dated one month after the application was submitted. That is not what the grounds suggest, which refer to the account being opened one month before the application. The author of the grounds appears to have misread the Secretary of State's refusal and the determination. The Appellant's representative before me said that he had not seen the bank letter. That may be the case but the Appellant must have as he submitted it. The evidence was clear that the Appellant could not succeed. Even if the Judge had erred in other respects the errors would be immaterial therefore.
5. In any event the Judge found, as he was entitled to, that the only contract that the Appellant produced was not a reliable document.
6. The evidence before the First-tier Tribunal Judge regarding the Appellant's website all post dates the date of application.
7. The First-tier Tribunal Judge did not fall into error and his determination stands.
8. The appeal to the Upper Tribunal is dismissed.

Signed

Date 15th January 2015

Upper Tribunal Judge Martin