



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: IA/35410/2013

**THE IMMIGRATION ACTS**

Heard at Field House  
On 10 July 2015

Decision & Reasons Promulgated  
On 19 August 2015

Before

**UPPER TRIBUNAL JUDGE PERKINS  
DEPUTY UPPER TRIBUNAL JUDGE SHERIDAN**

Between

**ADNAN AHMED**  
(anonymity direction not made)

Appellant

and

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: No appearance

For the Respondent: Mr L Tarlow, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. We see no need for, and do not make, an order restricting publication of the details of this appeal.
2. This is an appeal by a citizen of Pakistan, born in 1983, against a decision of the Secretary of State on 8 July 2013 to refuse to vary his leave to remain in the United Kingdom as a student under the points-based system. The Decision and Reasons explains that the application is refused because the appellant did not produce the required evidence in the required time.
3. The most relevant part of the decision is under Section B which states:  
“As the closing date of the bank statement submitted in support of your application is dated 20 June 2013, you need to show evidence of £2,000 maintenance for 28 days from 23 May 2013 to 20 June 2013. However your bank statements demonstrate that you are in possession of no more than £300 between 23 May 2013

and 29 May 2013 during that period. As such, you have not demonstrated that you have the level of funds required over the specific 28 day period to be granted as a Tier 4 (General) Student Migrant.”

4. The document set out clearly the Secretary of State’s reasons for refusing the application and informed the appellant of his right of appeal which he exercised. The grounds of appeal are that the decision is not in accordance with the Immigration Rules and the discretion under the Rules should have been exercised differently.
5. We note that there is no suggestion there that the decision is contrary to the appellant’s rights under the European Convention on Human Rights, nor is there anything that we see in the papers to suggest that the appellant would have a well founded appeal on human rights grounds.
6. In his grounds the first point taken by the appellant is that he had produced a more helpful bank statement before the decision was made and this was not considered. He then refers to various authoritative decisions which we do not consider to be on point at all.
7. The case was heard by the First-tier Tribunal on the papers. The First-tier Tribunal dismissed the appeal and the appellant sought permission. Permission was refused by the First-tier Tribunal and by the Upper Tribunal but the appellant sought judicial review and as a result of a decision of Mr Justice Dove the decision was set aside and the Deputy President in due course gave permission to appeal.
8. The relevant part of the decision of Mr Justice Dove is in the following terms:

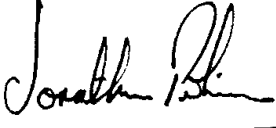
“It seems that the Secretary of State’s decision and that of the Immigration Judge (together with those who considered the applications for appeal at the FTT and UT) proceeded on the basis that the closing date of the bank statement was 20 June 2013, but as the claimant points out on its face the bank statement ends with the balance on 25 June 2013. It is at least therefore arguable that there was an error of law in the Secretary of State’s decision and the subsequent decisions on the appeals. The decision has very serious consequences for the claimant and I am satisfied that these amount to a compelling reason for the case to be heard. I am therefore of the view that the requirements of CPR 54.7A(7) are met and this case and permission should be granted.”
9. We have in our papers two possibly relevant photocopy documents. These are documents prepared for us and are copies of documents sent to the Home Office. One is the bank statement that was considered and it finishes on 20 June 2013. The other is the bank statement that the appellant says should have been considered and it finishes on 25 June 2013.
10. We wish to say straightaway that, with respect to the decision of Mr Justice Dove, the bank statement finishing 25 June does not satisfy the requirements of the Rules because, if we look back 28 days from 25 June we get not to 29 May where the balance exceeded £2,000 but to the day before that when the balance was only £300. So it seems to us that even if this bank statement is all that it purports to be, and even if it had been available to the Secretary of State, which it was not, it would not have led to the application succeeding.

11. However there are several things about that bank statement that concern us. Mr Tarlow provided us with the copy served on the Secretary of State. We stress the word *copy* because although the Rules require original documents the document in Mr Tarlow's bundle was not an original document but was plainly a photocopy. There is no other sensible explanation for the fading of the black print. Unlike the document that was produced it did not have a stamp from the bank showing the bank statement and the address. No explanation is given to explain how a statement could be issued on 25 June in exactly the same form as the statement issued on 20 June.
12. The disputed bank statement is numbered 167 as is the bank statement that was relied upon, and to our untrained eye we are not at all satisfied that the title "Your transactions 20 May 2013 to 25 June 2013" is in the same size font as the similar endorsement on the bank statement originally relied upon.
13. Had the appellant attended before us we would have wanted to hear his evidence about the provenance of that statement. The appellant did not attend. We made enquiries through our usher who tried to contact the appellant using the number found in the papers. There was no reply from that number. We checked that a Notice of Hearing had been sent to last known address. It had, and, as Mr Tarlow pointed out, that was also the address shown on the bank statements. Mr Tarlow also confirmed that the address was one known to the respondent.
14. It was clear to us that the appellant had been given proper notice of the hearing in accordance with the Rules and offered no explanation for his absence and we decided to go ahead with the hearing in his absence.
15. We have gone through the evidence, we hope with conspicuous care. It seems to us that his case is entirely hopeless; that the decision of the First-tier Tribunal was entirely sound and we wonder, if we may respectfully make this observation, if Mr Justice Dove would have made the decision that he did if the matters of concern about the statement and the fact that it did not cover a 28 day period with the funds in excess of £1,000 had been expressly drawn to his attention.
16. It follows we are satisfied that the First-tier Tribunal did not err in law and we dismiss this appeal.

**Notice of Decision**

17. The appeal is dismissed.

Signed  
Jonathan Perkins  
Judge of the Upper Tribunal



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Dated 12 August 2015