



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

Appeal Number: IA/47167/2013

THE IMMIGRATION ACTS

**Heard at Field House
On 11th February 2015**

**Decision & Reasons
Promulgated
On 23rd February 2015**

Before

DEPUTY UPPER TRIBUNAL JUDGE FRANCES

Between

**RACHELL ANN SANCHEZ
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr I Khan, Counsel instructed by PGA Solicitors LLP

For the Respondent: Mr M Shilliday, Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant is a citizen of the Philippines and aged 26 years old. Her appeal against the Secretary of State's decision dated 11th October refusing her leave to remain in the UK as a Tier 4 (General) Student Migrant was dismissed by First-tier Tribunal Judge Crawford in a determination promulgated on 26th June 2014.
2. Permission to appeal was granted by Upper Tribunal Judge Goldstein on 27th November 2014 on the grounds that it was arguable that the Appellant's CAS had been amended by the college prior to the

Respondent's refusal. There was a correction under the heading "Sponsor's Note" on the first page of the CAS which the First-tier Tribunal Judge arguably failed to take into account in concluding that the CAS was invalid. At paragraph 12 of the determination the Judge stated: "I have seen no correspondence that confirms that the Appellant's CAS had been amended by the college prior to the Respondent's refusal."

3. At the hearing Mr Shilliday conceded that the First-tier Tribunal had failed to take into account the correction evident on the face of the CAS and therefore the Respondent's decision to refuse the application was unlawful and the appeal should be allowed insofar as the decision of 11th October 2013 was not in accordance with the law.
4. I pointed out that the passport number and surname on the CAS were different to that of the Appellant. Mr Shilliday noted that the date of birth was also different. However, he conceded that these points did not make any difference to his concession. In the interests of fairness, the Respondent should reconsider the application because it was evident on the face of the CAS that the Sponsor had made a mistake.
5. Accordingly, I find that the First-tier Tribunal Judge erred in law in failing to consider the Sponsor's note on the CAS correcting the Appellant's surname, passport number and date of birth. I set aside the determination dated 19th June 2014 and remake it. The Appellant's appeal is allowed insofar as the decision of 11th October 2013 was not in accordance with the law.

Notice of Decision

The appeal is allowed.

No anonymity direction is made.

Signed

Date 20th February 2015

Deputy Upper Tribunal Judge Frances

TO THE RESPONDENT **FEE AWARD**

As I have allowed the appeal and because a fee has been paid or is payable, I have considered making a fee award and have decided to make a fee award of any fee which has been paid or may be payable.

Signed

Date 20th February 2015

Deputy Upper Tribunal Judge Frances