



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

Appeal Number: IA/43232/2014

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 17 November 2015**

**Decision & Reasons Promulgated  
On 29 January 2016**

**Before**

**UPPER TRIBUNAL JUDGE PERKINS**

**Between**

**SHAHZAD KHAN**

(anonymity direction not made)

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: No Appearance

For the Respondent: Ms E Savage, Home Office Presenting Officer

**DECISION AND REASONS**

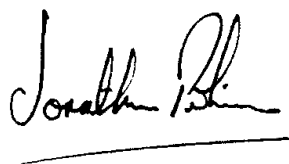
1. I see no need for, and do not make, an order restricting the publication of details about this case.
2. The appellant in this case is a citizen of Pakistan who was born in 1984 and who has lived in the United Kingdom entirely with permission since February 2010. He appealed unsuccessfully to the First-tier Tribunal against a decision of the respondent on 15 October 2014 refusing to vary his leave to enable him to remain as an entrepreneur.

3. It is not necessary to go through each of the points considered by the Secretary of State when she refused the application or by First-tier Tribunal Judge Grant when she dismissed the appeal. Suffice it to say that it is clear that the appellant did not provide appropriate business cards because they did not identify the nature of the business.
4. Whilst this might seem exceedingly trivial it is also a requirement of the Rules which were not met. There can be no criticism of the decision to dismiss the appeal under the Rules and the judge granting permission to appeal does not criticise the decision under the Rules. The sole basis for giving permission to appeal is that it was arguable that the First-tier Tribunal Judge did not consider properly Article 8 of the European Convention on Human Rights.
5. The appellant did not appear before me. I am satisfied that proper notice was sent out on 10 November referring to today's hearing on 17 November. It was sent to the address for service which matches the address known to the Home Office and when it was convenient to call the case on at a little after 11 o'clock this morning my clerk checked to make sure that there was no appearance and no-one had arrived.
6. I am satisfied that there has been good service in accordance with the Rules and it is right to continue with the case in the absence of the appellant.
7. I believe that the First-tier Tribunal Judge gave permission to appeal because of the skimpy nature of the consideration of the case under Article 8. However I do not think that it is the law that every point that has to be considered under Section 117A to D of the Nationality, Immigration and Asylum Act 2002 has to be addressed at length or even set out when there is no reason to think them relevant.
8. This is a case where Article 8 was raised in a most superficial way. It consists solely, as far as I can see, in a throwaway line in a witness statement.
9. There was nothing in the witness statement that laid the foundation for allowing the appeal on Article 8 grounds. There was nothing before the First-tier Tribunal Judge which could have led to the appeal being allowed properly.
10. Whilst there may have been a technical error in dealing with the point quite so superficially, although I am not sure that there was, there was absolutely definitely not a material error because the evidence would not have supported a decision to allow the appeal on human rights grounds either within the Rules or as an exception to them.

**Notice of Decision**

It follows therefore that I dismiss the appeal against the First-tier Tribunal Judge's decision and the decision shall stand.

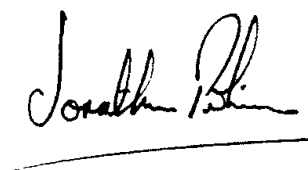
Signed



Jonathan P. Smith

Jonathan Perkins  
Judge of the Upper Tribunal

Dated 29 January 2016



Jonathan Perkins