



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

**Case No: UI-2022-006198**  
**First-tier Tribunal No:**  
**HU/05000/2021**

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On the 16 May 2023**

**Before**

**UPPER TRIBUNAL JUDGE KEITH**

**Between**

**Dennis Alexander Edwards**  
**(NO ANONYMITY ORDER MADE)**

Appellant

**and**

**The Entry Clearance Officer**

Respondent

**Representation:**

For the Appellant: Mrs Gem Beckles, the appellant's wife  
For the Respondent: Ms A Everett, Senior Home Office Presenting Officer

**Heard at Field House on 17 April 2023**

**DECISION AND REASONS**

1. These written reasons reflect the oral decision which I gave to the parties at the end of the hearing.
2. The appellant appeals against the decision of a judge of the First-tier Tribunal, Judge Hillis, (the "FtT") promulgated on 4th October 2022, in which the FtT dismissed the appellant's appeal against the respondent's refusal of entry clearance dated 28th January 2020. The FtT had accepted that the appellant did not need to prove his knowledge of English and the only issue was whether the appellant had failed to provide a valid medical certificate issued by an approved medical practitioner, confirming that he had undergone screening for tuberculosis. The FtT found no documentation before him that the appellant had undergone such screening and there were no other exceptional circumstances which justified allowing an appeal on article 8 ECHR grounds.

3. The appellant has appealed on the basis that he had sent to the FtT, by Federal Express, for which he has a signed receipt, a copy of his Tuberculosis test certificate. As the judge granting permission accepted, if, in error, this evidence was not passed to the FtT, then that could amount to a procedural error of law.
4. However, to her credit, Mrs Beckles has confirmed in a subsequent witness statement that the document which the appellant previously sent was not from an approved medical practitioner. He had provided this in good faith but had not been aware of the requirement that it needed to be from an authorised provider. The appellant now seeks to rely on recent medical test results which are said to be from an authorised provider.
5. I indicated to Mrs Beckles that I would record her honesty on highlighting that the previous documentation was not from an authorised provider. The FtT had confirmed that she and her husband are in a genuine relationship, and there is no need for him to have an English language certificate. Those findings stand. However, it is not my role to review fresh evidence, where the FtT did not err in law and there was no procedural error (as the previous evidence, even if not considered, did not meet the Immigration Rules). The new evidence needs to be submitted to the Entry Clearance Officer.

### **Notice of Decision**

**The decision of the First-tier Tribunal did not involve the making of an error on a point of law. The decision of the First-tier Tribunal stands. No anonymity direction is made.**

**J Keith**

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

17<sup>th</sup> April 2023