

Case summary

Issue(s)

Is notice to an applicant of revocation of a sponsor's licence in respect of his or her Tier 2 (General) Migrant application required as a matter of procedural fairness?

Facts

Mr Pathan submitted a Tier 2 (General) Migrant application. However, whilst his applications was being processed, the Secretary of State revoked the sponsor licence of the company sponsoring Mr Pathan. Therefore, Mr Pathan was unable to satisfy the requirements of paragraph 245HD(f) of the Immigration Rules (i.e., a valid certificate of sponsorship), and his application for leave to remain was refused.

In the Upper Tribunal, Mr Pathan argued that it was irrational for the respondent not to provide a Tier 2 applicant whose sponsor had lost its licence with a 60-day period in which to find an alternative sponsor. Upper Tribunal Judge Allen held that this was not irrational. Mr Pathan appealed to the Court of Appeal on the basis that notice of revocation of a sponsor's licence is required as a matter of procedural fairness. The Court of Appeal dismissed the appeal. Mr Pathan now appeals to the Supreme Court.