

# **R (on the application of Wang and another) (Respondents) v Secretary of State for the Home Department (Appellant)**

**Case ID: 2021/0125**

## **Case summary**

### **Issue**

This appeal raises issues concerning:

- (1) the meaning of "control" of investment money in the relevant provisions of the Immigration Rules and the facts and circumstances relevant to the assessment of "control"; and
- (2) the approach to the interpretation of the Immigration Rules.

### **Facts**

In 2017, Ms Wang made an application for further leave to remain having previously been granted entry clearance as a Tier 1 (Investor) Migrant and leave to remain for a limited period. In order to fulfil the applicable conditions under the Immigration Rules, it was necessary for her to have borrowed £1 million from a UK financially regulated institution so as to have that sum under her control; and to have invested at least £750,000 of such sum in UK Government bonds or in share capital or loan capital in a qualifying active and trading UK registered company. Ms Wang's claim was based on her participation in a scheme sold to her and over 100 other applicants for investor migrant visas, whereby £1 million was borrowed from Maxwell Asset Management Limited and invested in Eclectic Capital Limited by way of a convertible loan. The Secretary of State refused Ms Wang's application on the twin grounds that the loan from Maxwell Asset Management did not result in her having the proceeds under her control, and that the investment in Eclectic Capital Limited was not a qualifying investment. The Upper Tribunal's decision dismissing Ms Wang's application for judicial review was set aside by the Court of Appeal. The Secretary of State now appeals to the Supreme Court.

### **Judgment appealed**

[\[2021\] EWCA Civ 679](#)

### **Parties**

#### **Appellant**

Secretary of State for the Home Department

#### **Respondents**

Jie Wang  
Jiaqi Wu

### **Appeal**

#### **Justices**

Lord Briggs, Lord Kitchin, Lord Burrows, Lady Rose, Sir Declan Morgan

**Hearing start date**

4 May 2023

**Hearing finish date**

4 May 2023

**Watch hearing**

4 May 2023 [Morning session](#) [Afternoon session](#)