



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: IA/42344/2013

THE IMMIGRATION ACTS

Heard at Field House
On 28 March 2014

Determination Promulgated
On 31 March 2014

Before

UPPER TRIBUNAL JUDGE ESHUN

Between

MR KHURRAM GHAFAR

and

Appellant

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr. M Butt, Solicitor
For the Respondent: Mr. G Jack, HOPO

DETERMINATION AND REASONS

1. The appellant is a citizen of Pakistan born on 20 September 1986. He has been granted permission to appeal the determination of First-tier Tribunal Judge Birrell dismissing his appeal against the decision of the respondent dated 4 October 2013 to refuse to vary his leave to remain in the UK as a Tier 4 (General) Student Migrant. The refusal was on the basis that the requirements of paragraph 245ZX © of HC395

were not met by reference to Appendix A Paragraph 118(b)(ii) (1)-(3). The appellant had claimed 30 points for his Confirmation of Acceptance for Studies (CAS). However, the respondent was not satisfied that the appellant was either competent in the English Language at a minimum of Level B2 of the Common European Framework of Reference for languages (CEFR).

2. The appellant claimed in his grounds of appeal against the respondent's decision that in March 2011 he was awarded an Edexcel Level 7, BTEC Advanced Professional Diploma in Management Studies by Whitechapel College. He also stated that he was previously refused (13.2.2012) an application for leave as a Tier 4 Student on the basis that he was not exempt from the English Language requirement. A First-tier Tribunal Judge accepted that Edexcel Level 7 was equivalent to the United Kingdom Bachelor's Degree.
3. First-tier Judge Birrell found that the fact that a previous First-tier Judge has accepted that this was equivalent to a bachelor's degree did not bind him. It was for the appellant to satisfy him that his qualification was deemed by UK NARIC to meet or exceed the recognised standard of a Bachelor's Degree. The appellant had provided no evidence from NARIC to demonstrate equivalence accordingly he must meet the language requirement.
4. The judge said he was satisfied that the appellant could not meet the language requirement set out in Appendix O because he had provided 3 certificates, one of which dated 22 February 2012 related only to Speaking whereas the certificates must show the scores meeting the grade for two components on one occasion. The judge was therefore satisfied that the appellant did not meet the requirements of the Immigration Rules.
5. Mr. Butt relied on the grounds of appeal against the judge's decision. It was submitted at paragraph 8 that the appellant's Edexcel Level & BTEC Diploma was equivalent to a UK degree level course and this is clearly mentioned in the CAS. Mr. Butt was unable to show me where in the CAS this was mentioned.
6. Mr. Jack relied on Appendix B 7.10 (i) which requires the appellant's academic qualification to be deemed by UK NARIC to meet the recognised standard of a Bachelor's degree, and confirmation from UK NARIC that the degree was taught or researched in English to Level C1 of the CEFR.
7. In the absence of recognition and confirmation by UK NARIC that his academic qualification meets the recognised standard of a Bachelor's degree and that it was taught or reached in English to Level C1 of the CEFR, I find that the judge's decision was perfectly sustainable and disclosed no error of law.
8. The judge's decision dismissing the appellant's appeal shall stand.

Signed
Upper Tribunal Judge Eshun

Date