



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: IA/51754/2013

**THE IMMIGRATION ACTS**

Heard at: Manchester  
On: 9<sup>th</sup> September 2014

Determination Promulgated  
On 15<sup>th</sup> September 2014

Before

**DEPUTY UPPER TRIBUNAL JUDGE BRUCE**

Between

**Secretary of State for the Home Department**

Appellant

And

**Samiullah Khan**  
(no anonymity direction made)

Respondent

For the Appellant: Mr McVeety, Senior Home Office Presenting Officer  
For the Respondent: Ms Mair, Counsel instructed by Silverdale Solicitors

**DETERMINATION AND REASONS**

1. The Respondent is a national of Pakistan date of birth 6<sup>th</sup> October 1984. On the 15<sup>th</sup> April 2014 the First-tier Tribunal (Judge Hague) allowed his appeal against the decisions to remove him from the United Kingdom pursuant to s47 of the Immigration, Asylum and Nationality Act 2006 and to refuse to vary his leave to remain as a Tier 1 (Entrepreneur) Migrant. The Secretary of State now has permission to appeal against that decision.

2. The Secretary of State's refusal letter is dated 19<sup>th</sup> November 2013. Therein it states that the Appellant will not be granted further leave to remain as a Tier 1 Entrepreneur because he had failed to satisfy the decision-maker that he actually intended to invest the £50,000 he had in the bank into a genuine business.
3. Judge Hague heard oral evidence from the Respondent. He had regard to the documentary evidence before him. Having done so he found that the Respondent was running a genuine business and that he did intend to invest the money in his bank account into it. He allowed the appeal.
4. The Secretary of State does not seek to challenge those findings. The complaint made in the grounds of appeal is that the Judge somehow erred in allowing the appeal "outright". It is submitted that the Judge "failed to give adequate reasons as to how the appellant meets the rules".

### **My Findings on Error of Law**

5. This was a closely reasoned and detailed refusal letter. The application was refused because the decision-maker did not believe that this is a genuine business. That was the only issue. The letter does not contain, as one sometimes sees, a saving provision to the effect that the Secretary of State has not gone on to consider the remainder of the rule having found the applicant to fall at an early hurdle. That this was the only issue was confirmed by the Presenting Officer before Judge Hague: see paragraph 3 of the determination.
6. There is therefore absolutely no merit in the suggestion that the Judge somehow erred in allowing the appeal "outright". The refusal letter raised one issue. That it was the only issue was confirmed by the Secretary of State's representative on the day. That sole issue was resolved in the Respondent's favour. As Mr McVeety conceded before me, there was no error in Judge Hague allowing the appeal on that basis.

### **Decision**

7. The decision of the First-tier Tribunal contains no error of law and it is upheld.

Deputy Upper Tribunal Judge Bruce  
9<sup>th</sup> September 2014