



**Upper Tribunal
(Immigration and Asylum Chamber)**

Appeal Number: IA/17018/2014

THE IMMIGRATION ACTS

**Heard at Bradford
On 8th January 2015**

**Decision & Reasons
Promulgated
On 19th January 2015**

Before

UPPER TRIBUNAL JUDGE D E TAYLOR

Between

**MOHAMMED IMRAN
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr G Ahmed of Trinity Law Solicitors
For the Respondent: Mr D Mill, Home Office Presenting Officer

DECISION AND REASONS

1. This is the Appellant's appeal against the decision of Judge Jones made following a hearing at Bradford on 15th August 2014 at which the Appellant did not appear and was not represented

Background

2. The Appellant entered the UK on 14th October 2011 with leave to remain until 14th December 2013. He applied for indefinite leave to remain but was refused on 25th March 2014 on a number of different grounds. By the time of the hearing before Judge Jones only one ground was being pursued, namely whether the Appellant could establish a sufficiency of maintenance under paragraph 287 of the old Immigration Rule.
3. The Presenting Officer before Mr Jones conceded that the P60 which had been produced was genuine, but based his submissions upon doubts about the recent increase in the Appellant's wages, and argued that the claimed income had merely been increased for the purpose of the hearing.
4. In the Appellant's absence, the judge agreed with the Presenting Officer and dismissed the appeal.
5. The Appellant sought permission to appeal on the ground that he had not received notification of hearing. Permission to appeal was granted on that basis by Judge Ransley on 15th October 2014.

The Hearing

6. Mr Mills said that he was content to accept that the Appellant had not received the notice of hearing. He had attended a previous hearing and there would have been no good reason for him not to attend the hearing before Judge Jones had he been aware of it.
7. The judge made a procedural error, albeit through no fault of his own, in proceeding in the absence of the Appellant and his decision is set aside.
8. The Appellant's employer attended court and explained in his witness statement that Mr Imran was initially employed as a garage assistant until his promotion to assistant mechanic on 1st April 2014. He confirmed that he had issued two employer letters as requested and that the signatures on both were his.
9. Mr Mills, on that basis, conceded that the Appellant meets the requirements of the Rules and conceded that the appeal ought to be allowed.

Decision

10. The original judge erred in law. The decision is set aside. The appeal is allowed.

Signed

Date

Upper Tribunal Judge Taylor