



IAC-FH-CK-V1

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

Appeal Numbers: IA/38682/2014  
IA/38683/2014

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 28<sup>th</sup> September 2015**

**Decision & Reasons Promulgated  
On 17<sup>th</sup> February 2016**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE FARRELLY**

**Between**

**MR ABDUL KHALIQ  
MRS MARIA GHAFOOR  
(ANONYMITY DIRECTION NOT MADE)**

Appellants

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellants: Mr A Jaffar, Counsel instructed by Lee Valley Solicitors

For the Respondent: Mr E Tufan, Home Office Presenting Officer

**DECISION AND REASONS**

1. On 26<sup>th</sup> July 2014 the first Appellant applied for further leave to remain under the Tier 1 (Entrepreneur) scheme. His wife applied as his dependant. He indicated that the business started trading on 19<sup>th</sup> July 2014 and involved providing private tuition services. His application was refused on 15<sup>th</sup> September 2014. As a consequence his wife's application was also refused.

2. The applicant was required to have been awarded sufficient points under attributes and to have supplied particular documents. It can be said that the drafting of the requirements is not the easiest to follow but it is aimed at showing that the business is genuinely trading.
3. The appeals were heard by First-tier Judge Griffith on 26<sup>th</sup> February 2015. In a decision promulgated on 10<sup>th</sup> March 2012 the appeals were dismissed. At paragraph 27 the judge accepted that the advertising requirements were met. However, the judge referred at paragraph 28 to the absence of contracts containing the specified evidence and the absence of a letter from the bank confirming trading.
4. In the Upper Tribunal the Appellants' representative accepts that there was no letter from the bank. It was submitted that this was an alternative and not an additional requirement to contracts. Having read the provisions I accept this. It was contended that the first Appellant did submit contracts. I note that at paragraph 26 the judge refers to an enrolment form submitted with the application. I have been provided with the originals and I am satisfied that these constitute the necessary contracts and contain the required details. I find that the lack of a finding by the judge about the enrolment forms referred to at paragraph 26 in relation to the provision of contracts constitutes a material error of law in the context of these complicated and specific provisions. I am satisfied that these documents do meet the requirements.

### **Notice of Decision**

There being no other outstanding issues I find that the requirements of the Rules are met and I allow both appeals.

No anonymity direction is made.

Signed

Date

Deputy Upper Tribunal Judge Farrelly