



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

Appeal Number: IA/27663/2012

THE IMMIGRATION ACTS

**Heard at Glasgow
on 2 October 2013**

**Determination
promulgated
On 3 October 2013**

**Before
Mr C M G OCKELTON, VICE PRESIDENT
UPPER TRIBUNAL JUDGE MACLEMAN**

Between

ERIKA ROSE SILVERMAN

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Mrs J Moore, of Drummond Miller, Solicitors
For the Respondent: Mr A Mullen, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant appeals against a determination by First-tier Tribunal Judge Callow, dismissing her appeal against refusal of a tier 4 application under the Points Based System (PBS).

2. The appeal was decided “on the papers” in the First-tier Tribunal. It failed because it was thought that the appellant needed to provide a letter from her parents confirming their relationship and their consent to use of funds.
3. The Presenting Officer observed that this stemmed from a misunderstanding of the legal requirements, brought about by the appellant not filling in correctly parts L22 - L24 of the application form. In fact, she was a “low risk student” who was not required to produce documentation of this nature with her application. He fairly and correctly said that the decision should be reversed.
4. The determination of the First-tier Tribunal is **set aside**. The appeal, as brought by the appellant to the First-tier Tribunal, is **allowed**.
5. No order for anonymity has been requested or made. No fee award has been requested or made.

A handwritten signature in black ink, appearing to read "Hugh Maclemon". The signature is written in a cursive style with a large, stylized initial 'H'.

2 October 2013
Judge of the Upper Tribunal