



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

Numbers:

Appeal
IA/03029/2014

THE IMMIGRATION ACTS

Heard at: Field House

On: 17th October 2014

**Determination
Promulgated**

On: 20th October 2014

Before

DEPUTY UPPER TRIBUNAL JUDGE BRUCE

Between

Ramesh Kumar Jaiswal

Appellant

and

Secretary of State for the Home Department

Respondent

For the Appellant: -

For the Respondent: Mr Tarlow, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The Appellant is a national of India date of birth 1st April 1982. He appeals with permission the decision of the First-tier Tribunal (Judge NMK Lawrence) to dismiss his appeal against the Respondent's decision to refuse to grant him further leave to remain as a Tier 4 (General) Student Migrant and to remove him from the United Kingdom pursuant to s47 of the Immigration Asylum and Nationality Act 2006.

2. The only issue in this appeal was whether the Appellant was able to demonstrate that he held the requisite funds in accordance with Appendix C of the Immigration Rules. He had submitted bank statements issued by the Bank of Baroda. For some reason neither the original decision maker nor the First-tier Tribunal considered these to be adequate. The Home Office Presenting Officer who appeared before Judge Lawrence appears to have submitted that the Appellant needed to produce some evidence that this bank was regulated by the Indian authorities before the statements could be accepted as evidence of his funds. This submission was accepted by Judge Lawrence, and in the absence of any evidence that it was so regulated, the appeal was dismissed for that reason.
3. There is no requirement that the Appellant produce evidence that the Bank of Baroda is regulated. That is because it appears, and has always appeared, on the list of approved financial institutions at Appendix P of the Immigration Rules. Before me Mr Tarlow accepted that to be the case.
4. The only ground for dismissing this appeal was therefore an error of fact amounting to an error of law and the decision is set aside to that extent; all other findings of fact being preserved.
5. I remake the decision in the appeal by allowing it.

Deputy Upper Tribunal Judge Bruce
17th October

2014