



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

Appeal Number: IA/17113/2014

**THE IMMIGRATION ACTS**

**Heard at Bradford**

**On 4 November 2014**

**Determination**

**Promulgated**

**On 14 November 2014**

**Before**

**UPPER TRIBUNAL JUDGE JORDAN**

**Between**

**Chaudhry Ali**

**and**

Appellant

**The Secretary Of State For The Home Department**

Respondent

**Representation:**

For the Appellant: Mr Hans, Highfields Solicitors

For the Respondent: Mrs Petterson, Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. Mrs Petterson, Home Office Presenting Officer, acknowledged the respondent had received a test certificate which, if authentic, met the requirements of the Rules for the relevant application and was admissible before the First-tier Tribunal Judge in that this was not a Points Based System case. She did not seek to support the First-tier Tribunal Judge's determination dismissing the appellant's appeal.

2. Unfortunately, she had not had an opportunity to check up upon the authenticity of the test certificate, the original of which she had.
3. As there is no reason to doubt that it is compliant, I have decided not to adjourn the hearing at additional costs to both sides. On the other hand, were the certificate to be non-compliant, the respondent could not properly be expected to grant the appellant further leave.
4. In these circumstances, I allow the appellant's appeal but I grant the respondent liberty to apply no later than 6 weeks from 4 November 2014 to set aside this determination but only upon the respondent producing satisfactory evidence to establish the test certificate does not comply with the Rules. If no application is made by the respondent within this time, this decision will stand.

### DECISION

The First-tier Tribunal Judge made an error on a point of law and I re-make the decision allowing the appeal under the Immigration Rules.

ANDREW JORDAN  
UPPER TRIBUNAL JUDGE  
13 November 2014