



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: IA/22328/2014

**THE IMMIGRATION ACTS**

Heard at Glasgow  
On 2<sup>nd</sup> December 2014

Decision and Reasons Promulgated  
On 8<sup>th</sup> December 2014

Before

**UPPER TRIBUNAL JUDGE MACLEMAN**

Between

**MR HASSAN MOHAMMED**

Appellant

and

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

Respondent

For the Appellant: Ms P Kaur, of Five Star (International) Ltd  
For the Respondent: Mr A Mullen, Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. The Appellant appeals against the determination by First-tier Tribunal Judge Kempton, promulgated on 5<sup>th</sup> August 2014, dismissing his appeal against refusal of an application as a Tier 1 (Entrepreneur) Migrant under the points-based system.

2. The Appellant's grounds are that the judge dismissed the appeal primarily because she found there to be no evidence that the required funds of £50,000 were available to the Appellant. She said at paragraph 20:

"I am not at all satisfied that the main issue, namely that of the funds of £50,000 has been at all adequately addressed. I do not see any bank statement or evidence the funds in an account or the two deposits as stated ... The Appellant simply has not put his money where his mouth is".

The grounds say that copies of two deposits from the Bank of India totalling over the required amount were in the bundles before the judge, were spoken to in an affidavit from the Appellant's father, and were accompanied by a letter from the bank stating that the funds were freely available for investment in the UK.

3. Mr Mullen acknowledged that copies of all those items were before the judge. He exhibited the originals, which are on the Respondent's file. He acknowledged that the Appellant thereby met the decisive points held against him by the judge. He also acknowledged that although the Respondent's refusal decision found other reasons for refusing the application, there is in this case no response under Rule 24 of the Tribunal Procedure (Upper Tribunals) Rules 2008 relying upon the grounds on which the Respondent was unsuccessful in the First-tier Tribunal.
4. In those circumstances, the determination of the First-tier Tribunal falls to be **set aside**, and the following decision is substituted: the appeal, as brought by the Appellant to the First-tier Tribunal, is **allowed under the Immigration Rules**.
5. No order for anonymity, nor fee order, has been requested or made.



5 December 2014  
Upper Tribunal Judge Macleman