



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

Appeal Number: IA/14332/2014

THE IMMIGRATION ACTS

**Heard at Field House
On 23rd April 2015**

**Decision & Reasons Promulgated
On 14th May 2015**

Before

DEPUTY UPPER TRIBUNAL JUDGE PARKES

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**SYED ABAIDULLAH
(ANONYMITY DIRECTION NOT MADE)**

Respondent

Representation:

For the Appellant: Mr S Walker, Home Office Presenting Officer

For the Respondent: Mr M Iqbal, Counsel instructed by Worldwide Solicitors

DECISION AND REASONS

1. This is an appeal by Syed Abaidullah in the case of IA/14332/2014 against a decision of Judge Taylor, who on 2nd June 2014 heard the Appellant's appeal in respect of his Tier 4 (General) Student application made under the points-based system. He had sought further leave following his entry to the UK and his appeal was decided at his request on the papers. Part of the reason for his appeal was that it had been maintained by the Secretary of State that a bank document that had been submitted by him did not contain the specified information.

2. The Judge who decided the appeal on examination of the Respondent's bundle noted the bank statement which was under consideration and noted that it did not meet the requirements of the Immigration Rules because the name of the accountholder was not included on the document. Having set out the terms of paragraph 245AA the Judge decided that the bank statement was deficient but went on to find that he was satisfied that under paragraph 245AA later submitted bank statements which contained the information could be considered as the original submitted document, as he said, was in the wrong format and did not contain all of the required information. On that basis the appeal was allowed.
3. Permission to appeal to the Upper Tribunal was sought in the First-tier but refused and then renewed to the Upper Tribunal in grounds of 18th September 2014. In the renewed grounds reliance was placed on the case of Akhter and another (paragraph 245AA wrong format) [2014] UKUT 297 (IAC) in which it was noted that a bank letter which does not specify the postal address, landline telephone number and email address of the accountholders is not thereby in the wrong format for the purposes of paragraph 245AA of the Immigration Rules. It is in fact missing information.
4. The upshot of submissions made today is that it was accepted that the Judge was wrong to find that the document relied on was in the wrong format because that is contrary to the decision in Akhter. However, the Judge's alternative finding that he had failed to contain information that was required was the correct finding. That is not a point that the Secretary of State may contend and that has to be correct. The question now is what is the consequence of that finding? There are two routes that are available at this point but both lead to the same decision, which is that the decision is not in accordance with the law and it is therefore remitted to the Secretary of State for a lawful finding or decision to be made on the information that has been presented. Accordingly I have set aside the decision of the First-tier Tribunal made by Judge Taylor on 20th June 2014. I remake the decision. I find that the appeal is allowed to the extent that it is not in accordance with the law and I remit the case to the Secretary of State for a lawful decision to be made on the documentation that has been submitted.

NOTICE OF DECISION

The appeal is allowed to the extent that it is not in accordance with the law, by agreement of both parties, the case is remitted to the Secretary of State for a lawful decision.

No anonymity direction is made.

Signed

Date 8th May 2015

Deputy Upper Tribunal Judge Parkes

To The Respondent

Fee Award

As I have allowed the Appellant's appeal I make a fee award in the sum of £80.

Signed

Date 8th May 2015

Deputy Upper Tribunal Judge Parkes