



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

Appeal Number: IA/22991/2014

THE IMMIGRATION ACTS

**Heard at Field House
On 18 March 2016**

**Decision &
Promulgated
On 13 July 2016**

Reasons

Before

UPPER TRIBUNAL JUDGE STOREY

Between

**MR BIMAL SINGH ALAM SINGH CHAUHAN
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr S Bellara, Counsel, instructed by A.H. Law Ltd.

For the Respondent: Mr E Tufan, Home Office Presenting Officer

DECISION AND REASONS

1. The appellant brings a challenge to the decision of First-tier Tribunal Judge Cameron sent on 24 August 2015 dismissing his appeal against the refusal by the respondent of his application for leave to remain as a Tier 1 (Entrepreneur) Migrant under the points-based system.

2. The written grounds of appeal were essentially twofold. First it was argued that the decision of the respondent dated 27 May 2014 was not in accordance with the law because it was based on the fact that Future Venture Capital is not regulated by the Financial Conduct Authority and Prudential Regulation Authority, whereas on 16 May 2014 he had sent an application based on receipt of support from a different financial institution - Philpott Reed Venture Capital Fund - which was duly registered.
3. I can deal briefly with this ground because it is entirely clear from the judge's decision that he did not accept that the appellant had sent the additional documents to the respondent identifying a change in circumstances. The appellant fails to engage with the judge's reasons for finding they had not been sent and in any event, I am entirely satisfied that the judge's finding was plainly open to him on the evidence. The appellant conceded that he could not succeed under the relevant Immigration Rules on the basis of the original documents he submitted. Accordingly he could not succeed under the Rules. I observe that Mr Bellara did not pursue this ground at the hearing and he was wise not to do so, as it is devoid of merit.
4. The second ground of appeal contends that the judge erred in not dealing with the appellant's Article 8 case. Mr Bellara submitted that this was a fundamental error of law on the part of the judge and he pointed to what the appellant had written in his grounds seeking permission to appeal to the Upper Tribunal wherein he made reference to having entered the UK in 2009 and so having an "established private and family life in the UK since my arrival ..." and to having gained many friendships through his life as a student and at his work place.
5. I find that the second ground also fails. I would note at the outset that I queried with the parties whether the appellant had even demonstrated that he raised Article 8 in his grounds of appeal. I pointed out that the appeal form made no mention of Article 8 and left blank the question asked about ECHR rights. It said that grounds of appeal were "attached" but Mr Bellara was unable to show that there were any grounds attached or that if they were they raised Article 8. Mr Bellara asked for time to produce the missing grounds. I granted his request and am grateful for his action in ensuring they were sent to me the same day. The documents sent include one headed "Grounds of Appeal" which I am satisfied was sent with the appeal form. At para 6 of these grounds it is stated that the respondent's decision was incompatible with the appellant's rights under the ECHR. Accordingly I proceed on the basis that the appellant did raise human rights in his grounds of appeal.
6. So far as concerns the evidence the appellant relied on to show he had Article 8 grounds for remaining in the UK I note first of all that despite being served with a s.120 notice he made no reply. Second, his grounds of appeal did not particularise Article 8. Third, the only matters he has ever identified as being pertinent to his Article 8 claim are that he has

been in the UK some six or so years; and that he has established friendships through studying and work. Not even in his grounds seeking permission to appeal to the Upper Tribunal has he seen fit to particularise any of the relationships involved or their contents. He has not sought to make a specific human rights claim based on Article 8. Even taking his claim (so far as he sees fit to outline it) as its highest, it simply had and has no realistic prospect of success. Manifestly the appellant could not meet the requirements of the Immigration Rules dealing with family life and private life claims. To succeed outside the Rules he would have had to show that his circumstances were compelling. He has entirely failed to show as much. I concur with Mr Tufan that the appellant's case is precisely the type of case that Lord Carnwath had in mind in para 57 of **Patel & Ors [2013] UKSC 72** when referring to persons who had been studying in the UK for some years.

“However, such considerations do not by themselves provide grounds of appeal under Article 8 ...”

7. Hence even if I were to accept (1) that the appellant raised Article 8 grounds of appeal; and (2) that the judge erred in not addressing these, any such error was plainly not a material one since the appellant's Article 8 claim as put had no realistic prospect of success.
8. For the above reasons:

The First-tier Tribunal did not materially err in law.

The decision of the First-tier Tribunal must stand.

Signed

Date: 12 July 2016



Dr H H Storey
Judge of the Upper Tribunal