



Neutral citation number: [2024] UKFTT 00897 (GRC)

Case Reference: FT/IMS/2024/0005

**First-tier Tribunal
(General Regulatory Chamber)
Immigration Services**

**Decided without a hearing
Decision given on: 18 October 2024**

Before

DISTRICT JUDGE WATKIN

Between

ABDUL RAUF

Appellant

and

(1) THE IMMIGRATION SERVICES COMMISSIONER

Respondent

Decision: The Appeal is struck out

REASONS

1. The Appeal is struck out pursuant to Rule 8(3)(c) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 (the “**Rules**”) as the Tribunal considers there is no reasonable prospect of the Appeal succeeding.
2. Pursuant to rule 32(2), the Tribunal may dispose of proceedings without a hearing under rule 8 (striking out a party’s case).

The Background

3. By Notice of Appeal to the Tribunal dated 10 June 2024, the Applicant appealed a decision of the Respondent dated 14 May 2024 in which the Respondent had decided to cancel the Appellant's OISC registration of Immigration Express UK in accordance with paragraph 4A(e) of Schedule 6 of the Immigration and Asylum Act 1999 (as amended).

4. Paragraph 4A states:

The Commissioner must cancel a person's registration if—

(a) the person asks for it to be cancelled;

(b) the person dies (in a case where the person is an individual) or is dissolved or wound up (in any other case);

(c) the person is convicted of an offence under section 25 or 26(1)(d) or (g) of the 1971 Act;

(d) under section 89(2A)(b) the First-tier Tribunal directs the Commissioner to cancel the person's registration; or

(e) the Commissioner considers that the person is no longer competent or is otherwise unfit to provide immigration advice or immigration services.

5. The Respondent has applied by form GRC5 dated 17 July 2024 for the Appeal to be struck out (the "Application")

6. The Notice of Appeal which requested that the appeal "kindly be allowed in the best interests of justice" (section 8) and "*It is I submitted that the decision to refuse was taken without considering compassionate circumstances of the appellant which he was going through due to his ill health.*"

7. Whilst it is noted that the Appellant has indicated that he would like to give evidence in support of his contention that he was suffering from ill health. The Tribunal, for the purposes of this Application, accepts that the Appellant was suffering from ill health.

8. Within the submissions attached to the Application, the Respondent has set out how it took the Appellant's circumstances into account by, following concerns having been raised during an audit, allowing him 4 opportunities to demonstrate his competence through undertaking OISC Level 1 over an extended period from January 2023 to November 2023. He failed the assessment taken in November 2023. Thereafter, the Respondent attempted to carry out a further audit, which was cancelled by the Appellant on medical grounds but without providing evidence.

9. The Tribunal concludes that as reasonable circumstances arose for the Respondent to require to undertake the OISC Level 1 Assessment arose, and the Appellant failed that assessment, the Respondent's decision to cancel the Appellant's registration was reasonable and appropriate in the circumstances. Therefore, there are no reasonable prospects of the Appeal succeeding.

APPEAL

If either party is dissatisfied with this decision an application may be made to this Tribunal for permission to appeal to the Upper Tribunal, General Regulatory Chamber. Any such application must be received within 28 days after these reasons have been sent to the parties under Rule 42 of The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009.

District Judge Watkin

1 October 2024

Promulgated on: 18 October 2024