



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

Appeal Numbers: IA/02552/2013  
IA/02555/2013

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 20 August 2013**

**Determination Promulgated  
On 2 September 2013**

**Before**

**UPPER TRIBUNAL JUDGE ALLEN**

**Between**

**KAMRUL HASSAN  
SHAMMI AKTER**

**Appellants**

**and**

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

**Respondent**

**Representation:**

For the Appellant: Mr I Khan, Counsel, instructed by PGA Solicitors LLP  
For the Respondent: Mr C Avery, Home Office Presenting Officer

## DETERMINATION AND REASONS

1. This is an appeal brought by the first appellant Mr Hassan, (the second appellant is his dependant), against the decision of the Secretary of State on 4 January 2013. The judge assessed the evidence and concluded that the burden of proof under the Rules had not been discharged and that the appeal fell to be dismissed.
2. The decision was challenged on a number of bases. It was argued that the judge applied the wrong standard of proof, that he erred in respect of the guardian and also that issue of the removal directions issued by the respondent concurrent to the refusal letter was not addressed.
3. These matters were all considered by a First-tier Tribunal Judge considering whether or not to grant permission to appeal and he limited the grant of permission to the Section 47 point. Today it is argued by Mr Khan that there is a fairness issue here in respect of the third party support. The problem with that, as Mr Avery points out, is that it was not a matter that was explored before the judge so I think it is not a matter on which it is appropriate to allow a variation of the grant of permission to extend to that point as there is no arguable error of law in that regard. So permission on that is refused.
4. That leaves us simply with the Section 47 point and Mr Avery has withdrawn the decision in that regard. That is the only matter outstanding and I record the withdrawal of that decision. Otherwise the appeal is dismissed.

Signed

Date

Upper Tribunal Judge Allen