



IAC-FH-NL-V1

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

Appeal Number: IA/05969/2015

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 5 October 2015**

**Decision & Reasons Promulgated  
On 8 October 2015**

**Before**

**UPPER TRIBUNAL JUDGE MCGEACHY**

**Between**

**UMER RAJA**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: No representation

For the Respondent: Mr C Avery, a Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant, a citizen of Pakistan born on 7 September 1988 appeals, with permission, against a decision of Judge of the First-tier Tribunal Pacey who in a determination promulgated on 18 May 2015 dismissed his appeal against a decision of the Secretary of State to refuse to grant him leave to remain as a Tier 4 Student.
2. The reasons for the refusal were set out in a letter of 30 January 2015. That stated that the appellant was awarded no points for a Confirmation of Acceptance of Studies (CAS) because the CAS provided had been checked on 30 January 2015 and it was found that the CAS had been withdrawn by

the appellant's sponsor. He was therefore not in possession of a valid CAS.

3. The appellant appealed arguing that the decision was unfair because the sponsor's licence had been withdrawn by the respondent and that this was something which was beyond his control. He referred to the determination in **Patel (revocation of sponsor licence - fairness) India [2011]** in which it had been stated that where a sponsor licence was revoked by the SSHD during an application a reasonable opportunity should be given to the applicant to vary the application by identifying a new sponsor. The appellant further argued that the decision was in breach of his rights under Article 8 of the ECHR.
4. The appellant asked that his appeal be dealt with on the basis of the papers. Judge Pacey considered the papers before her and, in a brief determination, stated that the appeal was dismissed because the appellant had not had a valid CAS when the decision was made.
5. The appellant appealed. The focus of his appeal was that the decision was wrong because he had not had a valid CAS because the college's licence had been revoked and that therefore he should have been granted a period of grace during which to make a further application. It was on that basis that Designated Judge of the First-tier Tribunal McClure granted permission.
6. There was no appearance by the appellant before me. I am satisfied from a perusal of the file that not only did the appellant not have a representative but that he had been properly served with a notice of hearing. I heard from Mr Avery who pointed out that the reality was that the CAS had been withdrawn by the sponsor - that had been independent of the decision to revoke the sponsor's licence and there was nothing to indicate that the sponsor had been wrong to withdraw the CAS and accordingly the Secretary of State was entitled to refuse the application.
7. The reality is that the revocation of the sponsor's licence was independent of the withdrawal of the CAS - or, at least, there is no evidence on the file before me that the two events were interconnected and moreover there is nothing to show that the sponsor was not entitled to revoke the CAS.
8. Accordingly I find that there is no material error of law in the determination of the Judge of the First-tier Tribunal and that her decision dismissing this appeal shall stand.
9. It was not argued that the rights of the appellant under Article 8 of the ECHR are infringed by the decision but, in any event, there is no evidence before me that would suggest that the removal of the appellant would be a disproportionate interference with those rights.

### **Notice of Decision**

The appeal is dismissed on both immigration and human rights grounds.

Signed

Date

Upper Tribunal Judge McGeachy