



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

APPEAL NO: IA/03012/2014

Heard at Field House on
6 October 2014

Determination promulgated on
23 October 2014

THE IMMIGRATION ACTS

Before

DEPUTY JUDGE OF THE UPPER TRIBUNAL DIGNEY

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

SHERLENE PALERO ORTIZ (MS)

Respondent

Representation:

For the appellant: Ms Isherwood, Home Office Presenting Officer
For the respondent: Ms Hall

DETERMINATION AND REASONS

1. On 10 October 2012 the respondent, a citizen of the Philippines, was granted leave to remain in this country as Tier 4 (General) Student. That leave was cancelled because the respondent (it was claimed) admitted that she had taken paid work as a cleaner, something that she was not entitled to do. Her leave was cancelled on 29 December 2013 as she had not complied with the conditions of her leave. An appeal against that decision was allowed after a hearing on 1 July 2014.
2. Permission to appeal was sought. That document is far from clear as it refers to a Mr Hassan and a sham marriage, a matter not subsequently referred to, but it is fair to say that the gist of the application is that the determination was not properly reasoned. The judge who granted permission to appeal said:

In this appeal careful findings of fact were required in relation to the period when, according to the appellant, she had permission to work and also in relation to the hours and type of work she actually did and over what period. Arguably the judge did not make adequate findings to support the decision.

3. The judge's conclusion is to be found in paragraph 6 of the determination. He says:

In June 2014 London School of technology was stripped of its sponsorship. Before that it had been a highly trusted sponsor. As such [it] was able to authorise work placements within the rules. I accept the evidence of the appellant that she was misquoted in the report of the immigration officer. I found her to be a reliable witness and her story to be true.

4. It is not in dispute that the passage that I have italicised is correct and the grant of leave, at page 16 of the respondent's bundle, makes it clear that she may undertake "a work placement as part of your course study if you are studying with a highly trusted sponsor". Page 15 of the bundle is a letter from the London School of Technology dated 3 March 2013 authorising the respondent to undertake a work placement. Her evidence was that she had permission to do the work that she undertook and this latter supports that claim.
5. It follows that there was evidence before the judge that underlay all his conclusions. It might have been more helpful if he had referred to each piece of evidence, but it was all before him, and subject to one matter which I must further deal with, he was indubitably entitled to rely on it.
6. The one matter is the claim by the appellant that the respondent had said, when interviewed, that she had worked as a cleaner. That interview has not been directly produced and only appears indirectly in the Notice of Refusal. The respondent said that she had been misquoted and she actually said what she had said to the Tribunal. The judge was entitled to

accept her version, particularly as no notes of the interview had been produced.

7. It follows that the judge was entitled to reach the conclusions that he did and there was evidence to justify all his conclusions and where he chose to prefer one piece of evidence over another he was entitled so to do. It follows that he made no error of law.
8. It follows that the original determination did not contain an error of law and the original decision shall stand.

The appeal is accordingly dismissed

Designated Judge Digney
Judge of the Upper Tribunal

8 October 2014