



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: IA/39172/2013

**THE IMMIGRATION ACTS**

Heard at Birmingham  
on 21 August 2014

Determination Promulgated  
On 26 August 2014

Before

UPPER TRIBUNAL JUDGE PITT

Between

DEEPAK

and

Appellant

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: In person

For the Respondent: Mr Dnwyicz, Senior Home Office Presenting Officer.


**DETERMINATION AND REASONS**

1. This is an appeal against a determination of First-tier Tribunal Judge Fletcher-hill promulgated on 14 March 2014 which dismissed the appellant's appeal against the refusal of leave to remain as a Tier 4 (General) Student.

2. The only ground of appeal was whether the First-tier Tribunal was correct to find that the appellant had not shown that he had the requisite funds of £1,600 for the period 11 July to 7 August 2013.
3. The respondent's Rule 24 letter dated 12 June 2014 conceded that the determination of the First-tier Tribunal disclosed an error on a point of law such that it should be set aside and re-made.
4. Mr Dnwyicz confirmed that position at the hearing before me and also conceded that the bank statement provided by the appellant with his original application did, in fact, show the required funds for the required period and appeared to have been misread by the respondent and the First-tier Tribunal.
5. I was in agreement with the position taken by the respondent at the hearing and found an error of law in the decision of the First-tier Tribunal such that it was set aside to be re-made. I re-made the appeal as allowed under the Immigration Rules relating to Tier 4 (General) Migrants.

Decision

6. **The determination of the First-tier Tribunal discloses an error on a point of law and is set aside to be re-made.**
7. **I re-make the appeal as allowed under the Immigration Rules.**

Signed:   
Upper Tribunal Judge Pitt

Dated: 21 August 2014