



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

Appeal Number: IA/01436/2015

**THE IMMIGRATION ACTS**

**Heard at Glasgow  
On 25 August 2015**

**Decision & Reasons Promulgated  
On 27 August 2015**

**Before**

**UPPER TRIBUNAL JUDGE MACLEMAN**

**Between**

**SYED ASHOOR HASAN KAZMI**

Appellant

**and**

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

Respondent

Representation:

For the Appellant: no appearance

For the Respondent: Mrs S Saddiq, Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. The appellant appeals against a determination by First-tier Tribunal Judge Cox, dismissing his appeal against refusal of further leave to remain.
2. The appellant was content for his case to be dealt with “on the papers” in the First-tier Tribunal. Having been issued with notice of the hearing in the Upper Tribunal, he did not appear, was not represented, and had sent no communication to the UT. The hearing proceeded in his absence.
3. The grounds amount only to disagreement with outcome in the First-tier Tribunal. They do not demonstrate that the making of the decision of the

First-tier Tribunal involved the making of any error on a point of law, such that its decision ought to be set aside.

4. The specific point on which permission to appeal was granted is not in the grounds. Judge Fisher, granting permission, thought it arguable that Judge Cox erred in stating that failure to provide biometric details led to mandatory rather than discretionary refusal.
5. It is doubtful whether that point should be entertained by the Upper Tribunal, not having been raised at any stage by the appellant. In any event, even if the issue is only one on which leave to remain should *normally* (not always) be refused, the appellant made no case why discretion should be exercised in his favour. His case properly failed on this issue alone.
6. The determination of the First-tier Tribunal shall stand.
7. No anonymity direction has been requested or made.

A handwritten signature in black ink, appearing to read 'Hugh Macleman'. The signature is written in a cursive style with a large, stylized initial 'H'.

Upper Tribunal Judge Macleman

25 August 2015