



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

Appeal Number: IA/35655/2014

THE IMMIGRATION ACTS

Heard at Glasgow

**Decision and Reasons
Promulgated**

On 15 September 2015

On 16 September 2015

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

M P WAHAB

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: no appearance

For the Respondent: Mr A Mullen, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant is a citizen of India, born on 14 April 1978. On 18 June 2013 he sought further leave to remain as a tier 2 (general) migrant. The respondent refused that application for reasons explained in a letter dated 22 August 2014. The licence of the appellant's sponsor had been revoked on 19 August 2014, so his certificate of sponsorship had been cancelled.
2. The appellant appealed to the First-tier Tribunal. His grounds are not very clearly expressed, but his central complaint appears to have been that when he made his application he believed all his documentation to be in order, and that the respondent should not have delayed in making a decision (while his sponsor was under investigation).

3. Judge Blair heard the case on 28 November 2014. The appellant was no longer legally represented but appeared in person. His appeal was dismissed by determination promulgated on 17 December 2014. The judge found that more likely than not the appellant knew that his sponsor was under investigation, but in any event he did not meet the terms of the immigration rules because the sponsor's licence had been suspended and in due course revoked. There was no case of any substance under article 8 of the ECHR.
4. The appellant sought permission to appeal to the Upper Tribunal, on grounds which express disagreement rather than formulating any arguable propositions of legal error. The First-tier Tribunal refused permission to appeal. However, on 30 July 2015 a UT Judge granted permission, observing:

"The application made on 18 June 2013 was refused ... on 22 August [2014] because the appellant's certificate of sponsorship had been cancelled by the respondent. The licence was revoked on 19 August 2014 (3 days before the decision).

The appellant is not represented. It is arguable that the ... decision to revoke leave without giving the appellant 60 days to find an alternative sponsor raises unfairness issues."
5. The appellant did not appear and was not represented on 15 September 2015. Notice of hearing had been duly issued. No communication had been received by the UT or by the respondent. The hearing therefore proceeded in his absence.
6. Mr Mullen submitted that the grant of permission did not arise from anything in the appellant's grounds, and was misconceived. The respondent did not revoke the appellant's leave. His leave expired. It was the sponsor's licence which was revoked. He suggested that the judge granting permission may have misapprehended that the case was analogous to those where the respondent allows students, under certain circumstances, time to find another college. He said that there is no policy which might apply to a case such as the present, and that the judge had made no error in applying the immigration rules, or otherwise.
7. I reserved my determination.
8. The appellant has not shown that the making of the decision of the First-tier Tribunal involved the making of any error on a point of law. The determination of the First-tier Tribunal shall stand.
9. No anonymity direction has been requested or made.



Upper Tribunal Judge Macleman

15 September 2015