



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

Appeal Number: IA/27099/2014

THE IMMIGRATION ACTS

**Heard at Field House
On 22 June 2016**

**Decision sent to parties on
On 04 July 2016**

Before

UPPER TRIBUNAL JUDGE GLEESON

Between

**MD ABDUL LATIF
(NO ANONYMITY ORDER MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: In person

For the Respondent: Miss A Holmes, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant appeals with permission against the decision of the First-tier Tribunal dismissing his appeal against the Secretary of State's refusal to grant him further leave to remain as a Tier 4 (General) Student Migrant, because he could not show that he met the Attributes requirements of Appendix A of the Immigration Rules HC395 (as amended).
2. The applicant had not produced evidence which satisfied the respondent that he was entitled to the 30 points claimed for his CAS, because she did not consider that he had produced satisfactory evidence of his competence in the English language at a minimum of CEFR Level B2. The appellant relies on a City and Guilds certificate from the Universal Professional and Vocational College dated 5 December 2013 which says in terms that the pass level is at CEFR B2. It shows that he obtained a first-class B2 pass in reading, speaking and listening but that he narrowly failed the writing test.
3. Permission to appeal was granted by Upper Tribunal Judge Gill on the basis that it was unclear whether the appellant's certificate equated to an overall award of CEFR B2 or whether he had only achieved CEFR B2 for listening, reading and speaking and failed to achieve CEFR B2 for the writing component. The grant of permission was limited to paragraph 9 of the grounds, the Judge considering the remaining grounds to be unarguable.
4. The Secretary of State replied to the grant of permission in the following terms:
 - “2. The respondent opposes the appellant's appeal. In summary the respondent will submit inter alia that the judge of the First-tier Tribunal directed [herself] appropriately.
 3. Appendix A paragraph 118B clearly states that the applicant demonstrates knowledge of English in all four components. The applicant clearly could not demonstrate he met the requirements of the Rules as he had not passed the writing component.”
5. The relevant provision in Appendix A is at paragraph 118B(4) which reads as follows:

“118. No points will be awarded for a Confirmation of Acceptance for Studies unless:

 - (a) The applicant supplies as evidence of previous qualifications, the specified documents... and
 - (b) One of the requirements in (i) to (iii) below is met: ...
 - (ii) the course is degree level study ...and:

(4) The Confirmation of Acceptance for Studies checking service entry confirms that the applicant has a knowledge of English equivalent to level B2 of the Council of European's Common European Framework for language learning in all four components (reading, writing, speaking and listening). ...”

6. The appellant's CEFR certificate is unequivocal: the appellant 'narrowly failed' the writing component. He therefore does not meet the CEFR B2 standard for all four components, and was not entitled to the 30 points claimed for his CAS. Without those points, his application was bound to fail.
7. The First-tier Tribunal Judge was unarguably entitled so to find and I am satisfied that there is no material error of law in his decision dismissing the appeal.
8. The decision of the First-tier Tribunal is upheld and I dismiss the appeal.

Conclusions

The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law. I do not set aside the decision.

Signed: **Judith A J C Gleeson**
Upper Tribunal Judge Gleeson

Date: 1 July 2016