



**Upper Tribunal  
(Immigration and Asylum Chamber)  
IA/00235/2017**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Bradford**

**On 3 January 2019**

**Decision & Reasons  
Promulgated  
On 8 March 2019**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

**JAMAL MAHMOOD  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Not Present or represented

For the Respondent: Mr Bates, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant was born on 10 April 1992 and is a male citizen of Pakistan. By a decision dated 24 July 2015, the Secretary of State refused the appellant's application for further leave to remain as a student. The appellant appealed to the first-tier tribunal which, in a decision promulgated on 21 August 2018, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. At the initial hearing on 3 January 2019, the appellant did not attend nor was he represented. I am satisfied that a notice of hearing was sent by first class post to the appellant at his last known address in Ashton under Lyne on 20 November 2018. There is nothing on the Tribunal file to

indicate that the notice has been returned by the Post Office or that the appellant otherwise has not been served with the notice. In the circumstances, I proceeded with the hearing in the appellant's absence.

3. The grant of appeal of permission is unhelpful. The judge has sought to go beyond the pleaded grounds to identify 'Robinson obvious' arguable errors in the judge's decision. I cannot see that it was appropriate for the judge to do this. The judge granting permission appears to have considered the First-tier Tribunal decision to be lacking in rigour and the analysis to be arguably bare. What the permission judge has overlooked is that this appellant was bound to lose his application for further leave to remain under the Immigration Rules because he did not possess a CAS which, in turn, caused him to be unable to meet the maintenance requirements of the rules. Any appeal on human rights grounds would have to be made in the context of the failure of the appellant to meet the basic requirements for a student visa. In light of the paucity of the evidence of any private or family life provided by the appellant, any Article 8 ECHR appeal was doomed to fail. In that context, any lack of rigour on the part of the First-tier Tribunal could not be material to the outcome of the appeal.

### **Notice of Decision**

4. This appeal is dismissed.

Signed

Date 2 February 2019

Upper Tribunal Judge Lane