



IAC-AH-KRL-V1

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

Appeal Number: IA/17709/2014

THE IMMIGRATION ACTS

**Heard at Field House
On 14 October 2014**

**Decision & Reasons Promulgated
On 28 October 2014**

Before

DEPUTY UPPER TRIBUNAL JUDGE G A BLACK

Between

**MR EJAZ AKBAR
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: In person
For the Respondent: Mr C Avery (Senior Home Office Presenting Officer)

DECISION AND REASONS

1. This matter comes before me for consideration as to whether or not the determination discloses a material error of law. In a determination before First-tier

Tribunal (Judge K E Gordon) promulgated on 16 June 2014, she dismissed the appellant's appeal on the papers.

2. The appellant and his wife Tasneem Zehra Zaidi are husband and wife and are nationals of Pakistan.

Background

3. The respondent refused the appellant's application for leave to remain in the UK as a Tier 2 (General) Migrant. The grounds for refusal were that the certificate of sponsorship stated that the prospective employment most closely corresponding to occupation code 7220 was not on the list of NQF level 6 occupations and accordingly the appellant did not qualify for the relevant points under Appendix A.
4. In a determination the Tribunal observed at [3] that the notice of appeal stated that the appellant's employer made an error in providing the code and had since provided an explanation for that error. There was no further evidence before the Tribunal to show that the certificate of sponsorship was incorrect and/or any explanation of any error.

Grounds for Application

5. Ground 1 - the Tribunal erred by failing to consider documents and a statement from the appellant's employer filed with the notice of appeal and which the Tribunal did not have before it.
6. Ground 2 - the judge failed to consider Article 8 ECHR at all.

Permission to Appeal

7. Permission to appeal was granted by First-tier Tribunal Judge Hollingworth on 2 September 2014 on the grounds that not all the relevant material had been made available to the Tribunal determining the appeal.

Error of Law Hearing

8. The appellant appeared in person and submitted that his solicitors sent a letter to the Tribunal from his employers explaining how the error arose. He submitted documents in the form of contract of employment and letter dated December 2013. He could give no explanation for why such documentation did not appear in the bundle for the hearing at the First-tier Tribunal or in the file.
9. Mr Avery confirmed that there was no evidence to this effect provided to the respondent and there was no real indication in any event that such evidence had in fact been forwarded.

10. He submitted that the CAS provided a valid code for the employer which was submitted with the application. There was no scope for that to be amended even in the event of an error by the employer.

Discussion and Decision

11. At the end of the hearing I announced my decision that there was no material error of law in the determination. I now give my reasons.
12. The First-tier Tribunal determined the appeal on the papers. The application form was supported with a certificate of sponsorship giving the code 7220 as skilled to NQF level 4. The Immigration Rules, Appendix A, Section 74B(1) state that for the certificate of sponsorship to be valid it must relate to a job that is in the code of practice, Appendix J, as NQF level 6 or above.
13. I am satisfied that the Tribunal considered all of the available evidence submitted in support of the appeal. I am not satisfied that further evidence was ever obtained or provided by the appellant as stated in his grounds for permission. In any event there was no further evidence before the Tribunal who reached a clear and sustainable decision which discloses no error of law whatsoever.

Decision

14. There is no material error of law.
15. The determination shall stand.

No anonymity direction is made.

Signed

Dated 27.10.2014

Deputy Upper Tribunal Judge G A Black

TO THE RESPONDENT **FEE AWARD**

No fee award made.

Signed

Dated 27.10.2014

Deputy Upper Tribunal Judge G A Black