



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

Appeal Numbers: IA/53764/2013  
IA/53775/2013  
IA/53779/2013

**THE IMMIGRATION ACTS**

**Heard at Birmingham Sheldon Court**

**Determination  
Promulgated**

**On 25<sup>th</sup> September 2014**

**On 1<sup>st</sup> October 2014**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE JUSS**

**Between**

**(1) MS JASWINDER KAUR SEKHON  
(2) MR RAVINDER SINGH GREWAL  
(3) MS PRABHEET KAUR GREWAL  
(ANONYMITY DIRECTION NOT MADE)**

Appellants

**and**

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

Respondent

**Representation:**

For the Appellants: No appearance  
For the Respondent: Mr N Smart

**DETERMINATION AND REASONS**

1. This was an appeal against the determination of First-tier Tribunal Judge Blandy, promulgated on 12<sup>th</sup> June 2014, following a hearing at Hatton Cross on 4<sup>th</sup> June 2014. In the determination the judge dismissed the

appeals of Ms Jaswinder Kaur Sekhon, Mr Ravinder Singh Grewal, and Ms Prabheet Kaur Grewal, who subsequently applied for, and were granted, permission to appeal to the Upper Tribunal, and thus the matter comes before me.

### **The Appellants**

2. The Appellants are a family of wife, husband, and their daughter. All are citizens of India. The wife, the first Appellant, was born on 13<sup>th</sup> November 1988. The husband, the second Appellant, was born on 27<sup>th</sup> October 1987. The daughter, the third Appellant, was born on 1<sup>st</sup> March 2013. All appeal against the decision of the Respondent to refuse the application of the first Appellant for leave to remain in the United Kingdom as a Tier 4 (General) Student Migrant.

### **The Judge's Findings**

3. At the hearing before the judge on 4<sup>th</sup> June 2014, there was no appearance by any of the Appellants, as indeed there has been none today before this Tribunal. Today, there has been a letter from the Appellants' legal representatives to the effect that they are instructed that this appeal proceed "on papers", and they have been informed by a letter from HM Courts and Tribunals Service dated 24<sup>th</sup> September 2014, that although this will be a paper hearing, the Home Office representative may make oral submissions, which he has done today.
4. Judge Blandy on 4<sup>th</sup> June 2014 had before him a document verification report with respect to which he recorded that it "makes it plain that the actual documents were submitted to the ICICI Bank ... and were found to be false" (paragraph 9), when the Appellants set out to show that they could meet living costs and course fees because of proof of finances provided by way of ICICI Bank statement (see paragraph 2), which were confirmed as false. The use of deception was such that the application fell to be determined under paragraph 322(1A) of the Immigration Rules (see paragraph 2).
5. Judge Blandy then went on to consider whether the Appellants could succeed under paragraph 276ADE in relation to their private life and concluded, "there is no reason why they cannot all be returned to India as a family and there is no evidence that they meet the requirements of Appendix FM with regard to family life" and there were no compelling reasons why their human rights should be considered outside the Immigration Rules either (see paragraph 12).

### **Grounds of Application**

6. In the grounds of application, which were submitted late, it is said that the judge accepted the document verification report at face value without supporting evidence and took no account of a later letter from the ICICI Bank.

7. On 4<sup>th</sup> July 2014 permission to appeal was granted on the basis that the document verification report had not been attached.
8. At the hearing before me on 25<sup>th</sup> September 2014 the Appellants, as I have indicated already, were not in attendance, and were not represented. Mr Smart, appearing on behalf of the Respondent, stated that the judge correctly referred to the relevant case law at paragraph 10 of the determination given the citation of **AA (Nigeria) [2010] EWCA Civ 773** and **Shen [2014] UKUT 00236**. The judge also properly considered the information relied upon to confirm that the bank documents were false.
9. Mr Smart now submitted before me the document verification report which had been verified by Jayne Spencer on 21<sup>st</sup> October 2013. Attached to this is a letter which refers to the account number in the name of Jaswinder Kaur and goes on to say that,

“the address on our records now is different to the one mentioned in the documents attached. As for a bank record there is no customer induced transaction in this account for the period 20<sup>th</sup> May 2013 to 23<sup>rd</sup> July 2013. Further client ID mentioned on attached statement belongs to a different customer. It seems that the attached statement is manipulated”.

Mr Smart submitted that nothing could be clearer than this.

### **No Error of Law**

10. I am satisfied that the making of the decision by the judge did not involve the making of an error on a point of law (see Section 12(1) of TCEA 2007) such that I should set aside the decision. There is one very simple reason for this. Paragraph 9 of the judge’s determination is in the following terms:

“It is mentioned that checks with the issuing body (ICICI Bank) confirmed that the documents were false and third party confirmation of that fact was received on 11<sup>th</sup> October 2013. Thus it is quite plain that the Respondent did not simply check against the wrong number, as speculated by the first Appellant in her statement. The first Appellant, having chosen an oral hearing, did not appear before the Tribunal to give evidence and did not submit any further documentation from ICICI Bank to the effect that the conclusion of the document verification report was erroneous” (paragraph 9).

11. Needless to say, in the appeal before this Tribunal today the Appellants have yet again not appeared, despite this having been an oral hearing as originally listed. It is for the Appellant to discharge the burden of proof that is upon her. She has signally failed to do so. This entire application is

completely hopeless. The application was properly refused under paragraph 322(1A) of HC 395.

**Decision**

12. There is no material error of law in the original judge's decision. The determination shall stand.

13. No anonymity order is made.

Signed

Date

Deputy Upper Tribunal Judge Juss

1<sup>st</sup> October 2014