



**UPPER TRIBUNAL
(IMMIGRATION AND ASYLUM CHAMBER)
IA/21753/2014**

APPEAL NUMBER:

THE IMMIGRATION ACTS

**Heard at: Field House
On: 25 August 2015**

**Promulgated
On 11 September 2015**

Before

DEPUTY UPPER TRIBUNAL JUDGE MAILER

Between

**MR MD TARIFUL HAQUE
NO ANONYMITY DIRECTION MADE**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation

For the Appellant: In person

**For the Respondent: Ms E Savage, Senior Home Office Presenting
Officer**

DETERMINATION AND REASONS

1. The appellant is a national of Bangladesh, born on 17 February 1963. His appeal against the decision of the respondent dated 6 May 2014 to refuse to vary his leave to remain in the UK and to remove him by way of directions under 47 of the Immigration, Asylum and Nationality Act 2006 was dismissed by First-tier Tribunal Judge Bart-Stewart in a decision promulgated on 22 April 2015.

2. The appellant had applied for leave to remain as a Tier 4 (General) Student Migrant. He was not awarded any points for maintenance. The respondent stated that the loan letter from the Bangladeshi bank was not acceptable having regard to the requirements under Appendix C. Judge Bart-Stewart dismissed his appeal on the basis that the letter did not show “that it is part of a national loan scheme nor set out in any detail the terms or conditions that would be expected in such an arrangement, including repayment terms.” [10]
3. On 24 June 2015, First-tier Tribunal Judge Colyer granted the appellant permission to appeal. He noted that in paragraph 9 of the determination the Judge made reference to a statement/letter from South Indian Bank, whereas this appellant had arranged a loan from NCC Bank in Bangladesh. This was not a bank regulated under the Reserve Bank of India. Accordingly he found it to be arguable that the Judge may have taken into account erroneous facts. The Judge may have also erred in law by applying paragraph 13(iii) which only applies to “official sponsorship.” The NCC Bank was not his official sponsor.
4. Ms Savage on behalf of the respondent produced printouts of the relevant rule as well as Appendix C, applicable as at the date of application and decision. A copy was given to the appellant prior to the commencement of the appeal. I gave him the opportunity to familiarise himself with these printouts. He stated that he understood the contents.
5. The appellant submitted that he had produced an acceptable loan letter. I shall refer to its contents below.
6. Ms Savage submitted that the ‘mistake’ was not material. The appellant had not produced the relevant specified documentation as required.
7. Mr Haque did not make any further submissions. He stated that he wishes to go to college.

Assessment

8. Paragraph 1B of Appendix C refers to the specified documents which the appellant is required to provide under Appendix C. The appellant in this case is relying on a loan from a financial institution. Accordingly under paragraph 1B(d) where, as in this case, the applicant is applying as a Tier 4 Migrant, a loan letter must be provided from a financial institution regulated for the purpose of student loans, in the case of overseas accounts, from the official regulatory body for the country the institution is in and where the money is held.
9. It is also provided at (d)(7) that the application must clearly show that the loan is provided by a government sponsored student loan company or is part of an academic or educational loans scheme.
10. The loan letter produced by the appellant was from the National Credit and Commerce Bank Ltd, Bangladesh. It is dated 18 Mar h 2014. Details

relating to the account holder's name, profession, passport number, nationality and loan account number and loan limit are set out in the body of the letter. It is also stated to be held without any conditions. The purpose is stated to be "study purpose and this loan is part of an educational loan scheme."

11. It is evident that the Judge Bart-Stewart wrongly stated that the appellant had stated in his witness statement that the letter should be accepted, 'stating that the South Indian Bank is regulated by the Reserve Bank of India' [9(iii)]. However, that was incorrect. The Judge did not properly consider the application in accordance with the letter produced from the National Credit and Commerce Bank Ltd in Bangladesh.
12. However, there was no evidence produced from Bangladesh that the National Credit and Commerce Bank Ltd, Bangladesh, is regulated by the official regulatory body for Bangladesh.
13. Moreover, no evidence has been produced showing how the Bangladesh bank is controlled by any Banking regulations or statutes in Bangladesh. Nor has any evidence been produced as to how the regulatory bank derives its powers and directions to supervise educational loan schemes. No circulars or any information in that respect has been produced. There is no evidence of any educational loan scheme having been prepared for adoption by all banks in Bangladesh.
14. Although the Judge clearly erred in referring to an irrelevant Bank, namely the South India Bank, which was not the bank relied on by the appellant in this case, I find that the error is not material. The Judge had earlier noted that the appellant had sought to rely on the letter from National Credit and Commerce Bank Ltd, Bangladesh before him and which the appellant produced as evidence [3].
15. I am thus satisfied for the reasons given that the appellant's appeal would have been dismissed on the basis that he failed to meet the relevant requirements under the rules and Appendix C.

Notice of decision

The decision of the First-tier Tribunal Judge did not involve the making of any material error of law. It shall accordingly stand.

No anonymity direction is made.

Signed

Dated: 10 September 2015

Judge C R Mailer
Deputy Upper Tribunal Judge