



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

Appeal Number: IA/30839/2014

THE IMMIGRATION ACTS

Heard at Field House

**Decision & Reasons
Promulgated**

On the 5th August 2015

On the 14th August 2015

Before

DEPUTY UPPER TRIBUNAL JUDGE PARKES

Between

**MISS ANNE ANN LORRAINE SORONGON
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: No Representative

For the Respondent: Mr S Kandola, Home Office Presenting Officer

DECISION AND REASONS

1. This is an appeal by Anne Sorongon against the decision of First-tier Tribunal Judge Onoufriou, who heard the appeal at Richmond on the 18th March 2015. The Appellant is a citizen of the Philippines and had applied under the points-based system for further leave to remain. Previous grants of leave had been extended to the 28th June 2014, the application under consideration was made by the Appellant on the 25th June 2014. It was not supported by a valid CAS, the reason for that is that the Appellant had not taken and passed a relevant English language test to the required standard.
2. The Appellant applied quite late to undertake the test. She started making enquiries in March 2014 and applied to the Flexilearning Centre in Ilford to take the test on the 4th June. That test was cancelled because problems arose between Flexilearning and City & Guilds, the awarding body.

Attempts to sit the test with Pearsons and IELTS gave her dates on the 30th June and the 25th July 2014, both of course after the expiry of the visa.

3. The appeal was based on submissions that it was not fair and reliance was placed on the case of Thakur Bangladesh [2011] UKUT 00151 (IAC). Those submissions were rejected and the appeal was dismissed. The Appellant sought permission to appeal and that was granted on the basis that in the course of the decision the Judge had observed that the college's licence had been revoked in 2013 when in fact it had been revoked in July 2014. That, the Judge believed, was an arguable error of law and may have influenced the decision making process.
4. Having read the papers and looked at the chronology I am satisfied that the error, if there is an error on the date the college lost its licence, is irrelevant. The fact is the Appellant had until almost the end of June 2014 before her leave expired and yet did not take steps to take the appropriate English language test until March 2014, by that time it was too late to be able to avoid the problems which then arose.
5. This is not unfair because those problems that arose were not caused by the Secretary of State but were problems between the test centre and the awarding body City & Guilds. Fairness was given to the Appellant by the time that she had available to make her preparations. It is not unfair that she failed to use that time productively.
6. The Appellant did not attend the hearing. Notice of hearing was sent on the 3rd July 2015 indicating that the case would be heard today at 2pm. It was sent to the address given by the Appellant herself on the form IAFT-4, []. I am satisfied that proper notice was sent. There has been no communication from the Appellant as to why she could not attend or to seek an adjournment. I see no reason why this case should not have continued particularly given the nature of the issue raised.

NOTICE OF DECISION

For the reasons given I find that any error within the decision of the Judge is not material. The decision remains at the disposal of the Appellant's appeal in this case.

No anonymity direction is made.

Signed
Deputy Upper Tribunal Judge Parkes

Date 7th August 2015

To The Respondent Fee Award

I have dismissed the appeal and therefore there can be no fee award.

Signed

Date 7th August 2015

Deputy Upper Tribunal Judge Parkes