



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

Appeal Numbers: IA/31858/2014  
IA/31868/2014

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 30<sup>th</sup> June 2015**

**Decision & Reasons Promulgated  
On 6<sup>th</sup> July 2015**

**Before**

**UPPER TRIBUNAL JUDGE LINDSLEY**

**Between**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**and**

**MR ABU-AL FERDOUS (1)  
MRS NABEGA DURDHANA (2)  
(ANONYMITY ORDER NOT MADE)**

Respondents

**Representation:**

For the Appellant: Ms E Savage, Home Office Presenting Officer

For the Respondents: Mr M Islam, Legal Representative of London Law Associates

**DECISION AND REASONS**

*Introduction*

1. This is an appeal by the Secretary of State but I will refer to the parties as they were before the First-tier Tribunal.

2. The appellants are both citizens of Bangladesh. The first appellant was born on 23<sup>rd</sup> March 1987 and the second appellant, his wife, was born on 18<sup>th</sup> June 1991. The first appellant previously had leave as a Tier 1 (Post-Study Work) Migrant and his wife as his dependant which expired on 23<sup>rd</sup> May 2014. They then made applications to remain as a Tier 1 (General) Student and dependant respectively. On 27<sup>th</sup> July 2014 these applications were refused on the basis that the first appellant could not meet the maintenance requirements as he had submitted false documents. On 2<sup>nd</sup> February 2015 the appeal of the appellants was allowed by Judge of the First-tier Tribunal Wylie on the basis that she found that the documents had not been shown to be false and did disclose sufficient funds to satisfy the Immigration Rules. On 24<sup>th</sup> March 2015 Judge of the First-tier Tribunal Robinson granted permission to appeal. The matter comes before me to determine whether the First-tier Tribunal erred in law.

### *Grounds of Appeal*

3. The Secretary of State submitted that the First-tier Tribunal had erred in law as reliance had been placed, at paragraphs 14 and 15 of the decision, on the Home Office verification report being unreliable because a different bank account number had been checked to the one that the appellant had put forward in support of his application. This was a mistake by the judge as the different reference number related to the DC reference which was an integral tracking identity code number and did not mean that the verification checks had taken place against the wrong bank account number. In the circumstances it was argued the First-tier Tribunal had wrongly discounted evidence which showed on the balance of probabilities that the documents were false.

### *Submissions*

4. Mr Islam for the appellants submitted that whilst Judge Wylie may have become confused about that issue outlined above there were other issues which indicated the verification report was not reliable which had been identified by Judge Wylie, namely that the emails from the bank indicated that the appellants' account number related to a Md Abu Jafor Khan whereas on the verification report itself it indicated that a report in the name of Abu Zafar does exist. Further, the appellant had got a letter from AB Bank dated 12<sup>th</sup> January 2015 which had been submitted in accordance with directions to the First-tier Tribunal and this letter stated that no enquiries had been made with the bank about Mr Abu Zafar's bank statement and solvency certificate and that they would not have given information without the client's authority and there was no authority from the client with them to do this. This document were submitted and received by the Tribunal at Hatton Cross on 21<sup>st</sup> January 2015, and Ms Savage also confirmed that it was part of the documentation held by the Secretary of State at the time of hearing before the First-tier Tribunal.

### *Conclusions*

5. I am not satisfied that the First-tier Tribunal has materially erred in law. Whilst paragraphs 14 and 15 of the decision do indicate a confusion over integral tracking ID numbers and bank account numbers ultimately the evidence before the First-tier Tribunal did not show on the balance of probabilities that the appellants fell to be refused on the basis of having submitted false documents.
6. The respondent had not sought or produced any evidence that the letter of 12<sup>th</sup> January 2015 from AB Bank was not a genuine document despite this document having been provided to her in a timely fashion. This letter is on headed paper; signed from a named manager at Board Bazar Branch of the AB Bank Limited. It states explicitly that enquiries were not received regarding the bank statement and solvency certificate of Mr Abu Zafar and that information was not provided about these documents to the British High Commission or any other authority. It also confirms that the account is genuine and the amount held within it. This documents throws considerable doubt on the emails relied upon by the respondent which do state that the account regarding which documents were not issued was that of Md Abu Jafor Khan. A fact which is not apparently acknowledged or dealt with in any way in the verification report of the Visa Support Assistant relied upon by the respondent who indicates the name of the account is Abu Zafar. When all the evidence is examined together it did not and does not show on the balance of probabilities that the bank statement and solvency certificate of Mr Abu Zafar are false documents, and thus the First-tier Tribunal did not err in law when allowing the appellants' appeal.

**Decision**

7. The decision of the First-tier Tribunal did not involve the making of any material error on a point of law.
8. The decision of the First-tier Tribunal allowing the appeal is upheld.

Signed

Date 6<sup>th</sup> July 2015

Upper Tribunal Judge Lindsley