



IAC-AH-KRL-V1

**First-tier Tribunal
(Immigration and Asylum Chamber)**

Appeal Number: IA/32293/2015

THE IMMIGRATION ACTS

**Heard On the Papers at Birmingham
Sheldon Court
On 29th January 2016**

**Decision & Reasons Promulgated
On 18th February 2016**

Before

JUDGE OF THE FIRST-TIER TRIBUNAL JUSS

Between

**MR AKHTAR RASOOL
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: No appearance

For the Respondent: No appearance

DECISION AND REASONS

1. The Appellant is a citizen of Pakistan who was born on 21st July 1986. He appeals under the provisions of Section 82 of the Nationality, Immigration and Asylum Act 2002 against the decision of the Respondent Secretary of State dated 21st September 2015 refusing his application for leave to remain in the UK as a Tier 4 (General) Student Migrant under the points-based system.

2. I had the bundle submitted for the Appellant. His solicitors, Sky Solicitors, had on 1st October 2015 submitted a bundle of documents. There was no attendance before me on 29th January 2016 of either his solicitors or of the Appellant. This was a “paper hearing”.
3. The Grounds of Appeal dated 1st October 2015 are in generic form only, setting out that the decision is unlawful under Section 6 of the Human Rights Act 1998 and that there was a discretion vested in the Respondent under the Immigration Act 1971 which should have been exercised differently.
4. The grounds state that the Appellant is a genuine student who sought admission to complete his studies and provided all the information for the grant of his further leave to remain as a Tier 4 (General) Student (see paragraph 8 of the grounds).
5. The decision letter makes it clear that an interview was required to establish the genuineness of the Appellant’s application. The Appellant failed to attend the interview. The Secretary of State could not establish that the Appellant was a genuine student as required in paragraph 245ZX(o) of the Immigration Rules.
6. Consequently, the Appellant was awarded zero points under Appendix A (attributes) and he was appointed zero points under Appendix C (maintenance). The Respondent Secretary of State proceeded to make a decision also under Section 47 of the 2006 Act for the Appellant’s removal.
7. At the hearing before me on 29th June 2016, there is no additional evidence which in any way sets out to make good the Appellant’s claim to be a genuine student. In any event, the Supreme Court in Patel [2013] UKSC 72 made it clear that there is no human right to complete one’s education in the United Kingdom.
8. The countervailing arguments in relation to firm and fair immigration control are equally worthy of consideration. Since then the public interest consideration under Section 117 makes it quite clear that there is a public interest in effective immigration control. There is no reasonable prospect of the Appellant succeeding in this appeal.
9. Accordingly, though I have given careful consideration to all the documents before me, I find that the Appellant does not discharge the burden of proof for the reasons given.
10. On the totality of the evidence before me, I find that the Appellant has not discharged the burden of proof and the reasons given by the Respondent do justify the refusal.
11. Therefore, the Respondent’s decision is in accordance with the law and applicable Immigration Rules.

Notice of Decision

12. The appeal is refused.

13. No anonymity order is made.

Signed

Dated

Judge Juss
Judge of the First-tier Tribunal

13th February 2016

TO THE RESPONDENT
FEE AWARD

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

Signed

Dated

Judge Juss
Judge of the First-tier Tribunal

13th February 2016