



**Upper Tribunal  
(Immigration and Asylum Chamber)  
IA/25928/2015**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 18 December 2017**

**Decision & Reasons  
Promulgated  
On 25 January 2018**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

**WAJEEHA FAKHRI  
(NO ANONYMITY DIRECTION)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: In person

For the Respondent: Mr Bramble, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant, Wajeeha Fakhri, was born on 6 April 1985 and is a female citizen of Pakistan. By a decision dated 30 June 2015, the Secretary of State refused to vary the appellant's leave to remain in the United Kingdom. She appealed against that decision to the First-tier Tribunal (Judge Roots) which, in a decision promulgated on 13 February 2017, dismissed the appeal. She now appeals, with permission, to the Upper Tribunal. The circumstances of this appeal are succinctly set out in Judge Southern's grant of permission dated 17 October 2017:

I have hesitated in determining this application for permission to appeal. It may well be that the appellant faces such formidable obstacles in succeeding this appeal that I raise false hopes in granting permission. On the other hand, it is plainly arguable that the judge made an error of law in failing to make any attempt to engage with the basis upon which the appellant sought to advance her appeal and that she is entitled to see that the case she puts forward is considered properly. In particular, at paragraph 10-11 of her witness statement (which was before the judge) the appellant explains why she made a request of the respondent for more time to find a sponsor college, that being in part because the very fact of the respondent being in possession of certain of her documents in relation to the long delayed decision made the task of securing a new CAS all but impossible. The appellant must recognise that such complaint will not be a cogent one if she has not requested the return of those documents or has some other explanation for not being able to do so. The appellant must recognise also that there is no prospect at all of her appeal succeeding simply on the basis that the 60 days allowed was insufficient. She will need to demonstrate that there was put before the judge something more than that which meant that in her particular case there was reason to consider that she had been treated unfairly and that the judge failed to have regard to that.

2. Before the Upper Tribunal, the appellant explained that she had been to "lots of colleges" but that she had been unable to obtain a new CAS because she did not have her passport. She acknowledged that she had been sent by the Home Office a certified copy of her passport under cover of a letter dated 29 April 2015. However, she said that this certified copy had proved to be insufficient evidence of her identity and immigration status for any of the institutions which she had approached. The appellant acknowledged that her college status had been withdrawn and that she had been given 60 days to find a fresh college and CAS. However, her attempt to do so had proved entirely fruitless. The appellant told me that she had written to the Home Office on 2 June 2015 to ask that her application be "put on hold" until September 2015 and also requesting the return of her original passport to enable her to obtain a CAS. Although the appellant had brought to court a substantial number of documents, she had failed to bring a copy of the letter of 2 June 2015. I told the appellant that I would delay preparing my decision until after 3 January 2018 to enable her to send to me and to the respondent a copy of the letter of 2 June 2015. I am dictating this decision on 10 January 2018 and I confirm that I have to date received no document from the appellant.
3. I find that the judge did not err in law. As Judge Southern pointed out, the appellant's appeal cannot succeed simply on the basis that the 60 days allowed to her was insufficient to find a new CAS. I have been provided with no evidence to show that the appellant did write to the Home Office as she claims in June 2015 to ask for an extension of time and, even if I had been provided with such evidence, the fact remains that, as at the date of the Upper Tribunal hearing, the appellant has still not obtained a new CAS. I have concluded that the appellant has not been treated unfairly by either the First-tier Tribunal or the Secretary of State. The First-tier Tribunal's decision is short (I note that it was a paper appeal) but the judge's conclusion, namely that the appellant did not have a CAS and therefore could not meet the necessary provisions, is unassailable.

**Notice of Decision**

4. This appeal is dismissed.
5. No anonymity direction is made.

Signed

Date 20 January 2018

Upper Tribunal Judge Lane

**TO THE RESPONDENT**  
**FEE AWARD**

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

Signed

Date 20 January 2018

Upper Tribunal Judge Lane