



**Upper Tribunal  
(Immigration and Asylum Chamber)  
HU/01547/2018**

**Appeal Number**

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 3<sup>rd</sup> December 2018**

**Decision and Reasons Promulgated  
On 7<sup>th</sup> January 2019**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE PARKES**

**Between**

**FAHEEM ALI  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**And**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr W Rees (Counsel, instructed by Farani Taylor Solicitors)  
For the Respondent: Ms A Everett (Home Office Presenting Officer)

**DETERMINATION AND REASONS**

1. The Appellant's human rights appeal was dismissed for the reasons given in the decision of First-tier Tribunal Judge Devittie promulgated on the 1<sup>st</sup> of October 2018. Having set out the Appellant's immigration history and the applicable law the Judge found that the Appellant could not meet the requirements of the Immigration Rules. At the end of the decision the Judge briefly addressed whether there was any exceptional feature that would justify a grant of leave under article 8 outside the rules and found that there were none.
2. The Appellant sought permission to appeal on the basis that there were compelling and compassionate circumstances that would have justified a grant of leave under article 8 outside the rules. The grounds pointed to the Appellant's work history in the UK set out in paragraph 6 of the grounds and it was noted that section 117B of the 2002 Act had not been addressed. Permission was granted by the First-tier Tribunal.

3. The submissions made by Mr Rees are set out in the Record of Proceedings, the Home Office were not called on to respond. In essence the argument put forward was that the Appellant had been in the UK for over 11 years and was well integrated having obtained an MBA, a good work record (KFC, the Olympics and in the west end) and had strong friendships.
4. At the hearing I indicated that I could not see anything that could be said to be exceptional about the Appellant's case and sought further submissions on the point but these relied on the Appellant's being well integrated. At the hearing I indicated that I was satisfied that there was no error in the decision and reserved the reasons which are set out in this decision.
5. Article 8 is of very limited assistance in private life case unless there is a threat to the physical and moral integrity of the individual and this is not such a case. The Appellant came to the UK as a student and obtained the qualification sought but that was on the basis that he would leave the UK at the expiry of his leave.
6. His work record is consistent but not exceptional in any sense and it is not surprising that he has made good friends since he has been here. It is not surprising or exceptional that an individual in the Appellant's circumstances would take advantage of the opportunities that arise but simply doing so cannot be said to be exceptional and when here precariously the Appellant could not have gained any expectation that he would, or should, be permitted to remain. The Appellant had not shown that he could not return to Pakistan or that there would be any obstacles to his doing so or that it would be unreasonable to expect him to do so.
7. Article 8 is not a general dispensing power from the Immigration Rules which always form the starting point for the consideration of the public interest. There is a clear difference between being unable to meet the requirements of the Immigration Rules and being in a situation not contemplated by the rules. The Appellant simply could not meet the rules and it could not be said that his circumstances were not reflected in the rules as they stand. There was no evidence to show that there were compelling circumstances that would have justified a grant of leave outside the rules.
8. The decision of the Judge was brief and justifiably so in the circumstances. It is not necessary for a Judge to go through each and every point that is raised but the decision must show what the decision is and why, giving sufficient reasons for the findings made. The bald statement that the Appellant's circumstances were not exceptional was sufficient and there was nothing else in the Appellant's background that would have suggested that a different result could have been obtained. The decision was open to the Judge on the facts and the decision contains no error.

## CONCLUSIONS

The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.

I do not set aside the decision.

Signed: 

Dated: 17<sup>th</sup> December 2018

**Anonymity**

The First-tier Tribunal did not make an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005 and I make no order.

**Fee Award**

In dismissing this appeal I make no fee award.

Signed: 

Deputy Judge of the Upper Tribunal (IAC)

Dated: 17<sup>th</sup> December 2018