



Qazi Law Associates
 #3 Block 14-E Najam Arcade
 F-8 Markaz, Ayub Market
 Islamabad
 44000
 PAKISTAN

Date : 27 May 2009

THE IMMIGRATION ACTS

Appeal No: OA/52413/2008
 Appellant: Mr, Suleman
 Respondent: Entry Clearance Officer

HO Ref:
 Port Ref:
 FCNumber: 1530889
 Reps Ref: QLA/ISB/1530889

To the Appellant and Respondent

Enclosed is the Tribunal's determination of the above appeal.

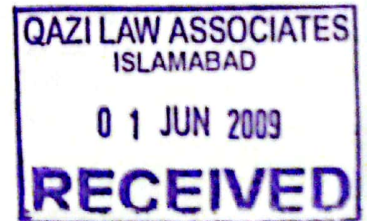
Either party may apply to the appropriate court (*the High Court or, where the Appeal was decided in Scotland, the Court of Session*) for a review of the Tribunal's decision on the ground of an error of law.

Any application must be made in accordance with the relevant Rules of Court and must be made within 5 days of receipt (or deemed receipt) of this determination, except where the Appellant is outside the United Kingdom, in which case any application by the Appellant must be made within 28 days of receipt (or deemed receipt) of this determination.

All applications must be sent to:

Secretary to the Asylum and Immigration Tribunal:

Arnhem House Review Applications, Arnhem Support Centre (Tribunal), P O Box 6987, Leicester, LE1 6ZX.
 Fax: 0116 249 4214



Clerk to the Tribunal

Copy issued to Appellant: Mr, Suleman,
 Copy issued to Home Office: Presenting Officers Unit Bennett House, ST1 2QB



ALL CORRESPONDENCE SHOULD BE SENT TO THE ADDRESS AT THE TOP OF THIS NOTICE QUOTING THE APPEAL NUMBER AND ANY HEARING DATE

THE IMMIGRATION ACTS

Heard at : Stoke (paper case)
On : 12th May 2009
Prepared: 23rd May 2009

Determination Promulgated
27 MAY 2009

Before

Immigration Judge Gurung - Thapa

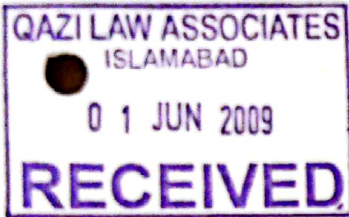
Mr Suleman

Appellant

and

Entry Clearance Officer - Islamabad

Respondent



DETERMINATION AND REASONS

Details of the Appellant and issues under appeal

1. The Appellant whose date of birth is 14th October 1986 is a citizen of Pakistan. The Appellant had applied for entry clearance as a student. The application was refused on 25th June 2008 as the Entry Clearance Officer (ECO) was not satisfied that the Appellant met all the requirements of paragraph 57 of HC 395 (as amended). The Appellant appealed under Section 82(1) of the Nationality, Immigration and Asylum Act 2002.

Reasons for Refusal

2. The ECO noted that the Appellant has an IELTS certificate showing band 5.5. The guidance states that he has partial command of the language, coping with overall meaning in most situations though is likely to make many mistakes. He should be able to handle communication in his own field. The Appellant has a limited command of English despite claiming to have completed a year long English language certificate in Pakistan run by the British Council. The ECO was not satisfied that the Appellant has the ability to follow the course.
3. The Appellant has failed to show the application form how the course will be of benefit or enhance his future prospect. He simply stated he will be able to get some practical experience in his relevant field. He will be able to get a job in national or multinational organisation. This is a general statement that could be applied to any educational courses from a variety of location. The ECO is not satisfied the cost of the study is proportionate to his current economic

circumstances or that there are advantages he might derive from the course of study. He is not satisfied that the Appellant intends to follow the course and that he intends to leave the UK on completion of his studies.

4. The Appellant's sponsor is his maternal grandfather and submitted business bank statement and NTN certificate dated 1996. No satisfactory evidence has been provided of regular income and outgoing for financial commitments of a sponsor or the net profit of the business. The ECO noted that the balances in the account fluctuates considerably over the statement period and has fallen as low as £488 as recently as 4th June 2008. There is no evidence to show that the funds in the business bank account would be available for purpose other than that of the business.

The Appellant's Response

5. The grounds of appeal has been submitted by his representatives in Pakistan. It is stated that the band score of 5.5 is a reasonable score and is not a poor band. The college in the UK have stated that they will provide him three months intensive English language course prior to his main course of study.
6. He stated that the Appellant attended nursing course in a teaching hospital in Peshawar from 1st January 2004 to 10th December 2004 leading to eligibility to sit in a nursing examination. He attended a programme as a medical technologist from 13th August 2004 to 2nd February 2005. He has worked in the accident and emergency department in hospital from 10th June 2005 to 10th June 2006 as a trainee student of health and technology. He has also worked for a period of time as a trainee health technician. The course he has chosen is diploma in health and social care which is relevant and natural progression towards his career to receive attractive salary package with handsome opportunities in Pakistan.
7. He stated that the Appellant's grandfather is self employed and his annual income is 3.2 million rupees. The tax return for the year 2007 was submitted. He stated that the sponsor owns sufficient funds in his bank account more than 3 million rupees which is around four times the Appellant's estimated course cost. He further states that only £1,500 of the tuition fees is left.

Consideration and Reasons

8. The burden is on the Appellant and the standard of proof is on the balance of probabilities.
9. I note the Appellant has obtained a band score of 5.5. He wish to undertake a diploma course in the UK. I have also regard to the British Council guidance. It is stated that if a diploma course is being followed then an IELTS of 5.5 or 6.0 would be needed. The Appellant has clearly scored 5.5. I find that he has the ability to follow the course.
10. I note the Appellant has submitted his work experience in Pakistan. The course he wish to undertake is diploma in health and social care which I find is a natural progression from his previous studies and work experience. There is no evidence to suggest that the Appellant does not intend to follow the course. I note the Appellant is married with two young children. I find that he clearly does have incentives to return.

11. The Appellant has now submitted adequate documentary evidence in relation to his sponsor. I note a deposit of £1,500 has been paid leaving £1,500 as a balance for the tuition fees. From the evidence I am satisfied that the Appellant is able to meet the cost of his course and maintain and accommodate himself without recourse to public funds.

Decision

12. I allow the appeal.

Signed

Dated
23.05.2009

Immigration Judge Gurung-Thapa

