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Date : 25 June 2009

**THE IMMIGRATION ACTS**

Appeal No: OA/02988/2009  
 Appellant: Mr, Quaid, Jamal  
 Respondent: Entry Clearance Officer

HO Ref:  
 Port Ref:  
 FCNumber: 1563319  
 Reqs Ref: Waseem Younus

**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, Quaid, Jamal, 44000  
 Copy issued to Home Office: Presenting Officers Unit Bennett House, ST1 2QB

**QAZI LAW ASSOCIATES**  
 ISLAMABAD  
 29 JUN 2009  
**RECEIVED**



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

Mr Quaid Jamal OA/02988/2009

In the Immigration Appellate Authority      Appeal Number OA/02988/2009

THE IMMIGRATION ACTS

Heard at Belfast on the papers for the 5<sup>th</sup> June 2009

Before

Mr Francis J Farrelly  
Immigration Judge

25 JUN 2009

Between

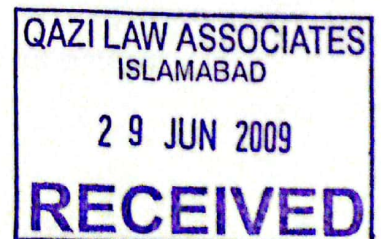
Mr Quaid Jamal

Appellant

And

The Entry Clearance Officer, Islamabad, Pakistan. Respondent

DETERMINATION AND REASONS

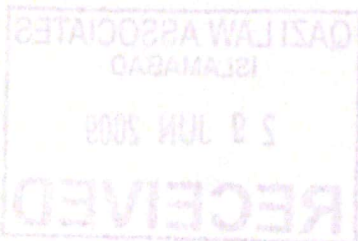


**DETERMINATION AND REASON**

1. The appellant, born on the 2<sup>nd</sup> March 1984, is a citizen of Pakistan.
2. He applied for entry clearance as a student for one-year. He said he wanted to do a Master of Science degree in Aeronautical and Mechanical Engineering at the University of Liverpool. The course fees were put at £10,650 and the total cost to allow for maintenance and accommodation was estimated at or around £18,450.
3. The application was refused on the 4th September 2008. The application refused only on one ground, namely whether the appellant could be adequately maintained and accommodated as required under rule 57(viii).
4. The burden of proof is on the appellant and the standard of proof is the balance of probabilities. I may consider matters as they were up to the date of decision.
5. In considering the appeal I have a bundle from the respondent which includes the application and the grounds of appeal including the list of documents referred to.
6. The appeal has been listed as a hearing on the papers.
7. The appellant had indicated his uncle, Mr Muhammad Riaz, would be supporting him. To this end bank statements had been submitted. His uncle is a building contractor who receives government contracts in Pakistan. The respondent pointed out that the bank statements related to the sponsor's business and it was not evident there would be surplus funds for the appellant, having regard to the demands of the business itself and the sponsor's own personal commitments.

**The relevant immigration rules**

8. Para-57. The requirements to be met by a person seeking leave to enter the United Kingdom as a student are that he:
  - (i) has been accepted for a course of study... provided by or undertaken at an organisation which is included on the Register of Education and Training Providers, and is at either;
    - (a) a publicly funded institution of further or higher education which maintains satisfactory records...; or
    - (b) a bona fide private education institution; or



(c) an independent fee paying school outside the maintained sector which maintains satisfactory records...; and

(ii) is able and intends to follow either:

(a) a recognised full-time degree course or postgraduate studies at a publicly funded institution of further or higher education; or

(b) a period of study and/or research in excess of 6 months at a publicly funded institution of higher education where this forms part of an overseas degree course; or

(c) a weekday full-time course involving attendance at a single institution for a minimum of 15 hours organised daytime study per week of a single subject, or directly related subjects; or

(d) a full-time course of study at an independent fee paying school; and

(iii) n/a and

(iv) if he has been accepted to study externally for a degree at a private education institution, he is also registered as an external student with the UK degree awarding body; and

(v) n/a

(vi) intends to leave the United Kingdom at the end of his studies; and

(vii) does not intend to engage in business or to take employment, except part-time or vacation work undertaken with the consent of the Secretary of State; and

(viii) is able to meet the costs of his course and accommodation and the maintenance of himself and any dependants without taking employment or engaging in business or having recourse to public funds; and

(ix) holds a valid United Kingdom entry clearance for entry in this capacity.

### Grounds of Appeal

9. The grounds of appeal include tax returns for the appellant's uncle for 2006, 2007 and 2008. Bank statements and a reference letter are also supplied as well as details of a contract awarded to his uncle.

10. The Notice of Appeal contains an argument on behalf of the appellant. It states that his sponsor is his maternal uncle who is a building contractor. It states he receives public contracts. His uncle is self-employed and trades as 'Khan and sons, government contractors'. He has been in business since 2003 and it is said his in a position to finance the appellant. It said that he is presently earning 2,340,000 rupees per annum, approximately £17,550. The Notice of Appeal says that it would not be difficult on this income to pay the expected cost of the course, 2,500,000 rupees (£18,750 approx) The Notice says that his uncle has a credit bank balance of 1,801,638 rupees, the equivalent of £13,512 approximately. The Notice also points out that the University fees do not have to be paid in one installment.

My assessment of the evidence.

11. The only issue in the appeal relates to finances. The letter from the University of Liverpool says that the tuition fees are £11,650 but there is a reduction of £1,000 for international students. The University estimates between £6,000 and £7,000 is needed to cover the cost of living. The offer from the University notes that the appellant already has a Bachelor of Science degree, first class, in mechanical engineering. The University is making him an unconditional offer for its postgraduate Master of Science and Mechanical Engineering. This is a full-time course.
12. The award of a Master Science degree is likely to advance the appellant's career. It is generally accepted that a degree from a British university would be regarded particularly highly in his home country. The appellant has a score of six on the International English Language Testing system. The respondent is not disputing that he is able to and intends to follow the proposed course.
13. I have considered the tax statements submitted relating to the appellant's uncle. The respondent has not challenged the authenticity of the documentation. To put matters in context I have converted the figures to Sterling. For the year 2006 his income was a gross 1,920,000 rupees, the equivalent of around £14,400. From this figure approximately £3,000 is payable in tax. For 2007 it was 2,160,000 rupees, £ 16,200 (less approx £4,400 in tax). For 2008 it was 2,340,000 rupees or £ 17,550 (less £4,400 in Tax.).

14. The respondent has also not questioned the authenticity of the sponsor's bank statements. They would appear to be consistent with the earnings figures referred to. I note from the papers he also is approved for government contracts and holds qualifications as an engineer.
15. In the appellant's application form he indicated he had been working as a Management Trainee. His earnings equate to around £135 per month.

### My conclusions

16. In considering the appeal I am starting from the basis that, in general, earnings in Pakistan are much lower than those in the United Kingdom. For someone in the United Kingdom to study for a year at a cost of around £17,000 could be a significant financial strain. For somebody from Pakistan the difficulties are magnified unless they are wealthy or have funding from another source.
17. I still do not have details about the sponsor's personal commitments. The appellant does appear to have provided details because his form refers to pages 20 through to 29 which I do not have. From the papers I have I am satisfied that his sponsor is a building contractor as the appellant claims. I also note the sponsor has himself an engineering qualification and is awarded government contracts. When the figures for his income and for the contracts are translated into sterling they appear quite modest. However, I would accept that in Pakistan the sponsor is a person of substance. This difference in earnings will always present difficulties for many applicants.
18. I am influenced by the fact the appellant has a first class degree from Pakistan. He has been accepted for a Master of Science degree course in a recognised British University. Given the type of work his uncle does and the appellant's study to date I believe the degree course he is proposing will significantly improve his employment prospects both in Pakistan and abroad. Consequently, I would accept that he has a genuine motivation in doing this course.
19. Notwithstanding his uncle being someone of substance in Pakistan the cost to him and his family will be significant.
20. Whilst I must have regard to the overall viability of the proposed study and its financing I do acknowledge that the fees may not be payable immediately in full and the appellant will be able to take approved employment. To an extent this would alleviate the burden upon himself and his family.

Mr Quaid Jamal OA/02988/2009

On balance, taking into account the cost involved and the monies available through his uncle's support, I find he has shown he can be adequately maintained and accommodated. His uncle's earnings are documented in the tax returns and government contracts as is his bank balance. The cost to his family will be significant but I find it can be managed.

DECISION

The appeal in respect of the immigration rules is allowed.

Signed

Francis J Farrelly  
Immigration Judge.

