



**Upper Tribunal
(Immigration and Asylum Chamber)**

Appeal Number: IA/01033/2014

THE IMMIGRATION ACTS

Heard at Field House

On 24 July 2014

Determination

Promulgated

On 22nd Oct 2014

Before

UPPER TRIBUNAL JUDGE PERKINS

Between

SURESH YEDDU

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms S Nasim, Solicitor of Denning Solicitors

For the Respondent: Mr G Saunders, Home Office Presenting Officer

DETERMINATION AND REASONS

1. This is an appeal by a citizen of India against the decision of the First-tier Tribunal dismissing his appeal against a decision of the Secretary of State on 9 December 2013 refusing him leave to remain in the United Kingdom as a Tier 1 (General) Migrant.
2. Essentially there were two things wrong with the application. Firstly the documents disclosed did not show sufficient money in the account to satisfy the requirements of the Rules. That of itself was an entirely proper reason for dismissing the appeal; indeed it would have been impossible to have allowed the appeal under the Rules on the documentation provided.
3. However, there was a further point. The Secretary of State made enquiries about the statements purporting to come from the Andhra Bank and the Secretary of State concluded that those statements were not genuine. The application was therefore refused both under Rules relating to the specific requirements of the application and under paragraph 322(2)


of HC 395 because the Secretary of State was satisfied that false representations had been made in support of the application.

4. The appellant entered a notice of appeal. He represented himself. The notice of appeal was in entirely formal terms and when he appeared before the First-tier Tribunal at a hearing in April 2014 he asked for an adjournment. The First-tier Tribunal Judge refused to adjourn.
5. It is hard to see how the First-tier Tribunal Judge could have made any other decision. The appellant had had ample opportunity to prepare his case. If, as appeared to be the position, his case was not prepared to his satisfaction he only had himself to blame.
6. The First-tier Tribunal Judge was satisfied on the evidence before him that the accounts did not show sufficient money and was also satisfied that the bank statements were in fact forged.
7. There were two reasons to find the statements to be forged. Each reason is a variation of the same theme. The Secretary of State's officers contacted the manager of the relevant bank who explained that the account number was not known to the bank but because the bank manager had only recently been in post suggested that enquiries be made of a person who had earlier managed the bank. This was done and same message was given, namely that the account was not genuine.
8. Today the appellant has been represented by Ms Nasim who has taken a very determined stance and has argued with some justification that the evidence that the documents were forged is rather weak. I say with *some* justification because she is right to say that the reasons for saying that the account is not known to the bank are not explained, there is no indication of what searches were made or what exactly is unsatisfactory or why it was thought that the earlier bank manager would be in any position at all to say anything useful having left the bank.
9. These were all things that would have been proper areas for cross-examination but they do not get around the fact that there was no independent evidence at all before the First-tier Tribunal Judge to undermine the evidence that the documents were forged.
10. I am quite satisfied that the judge was entitled to find that a prima facie case had been established on the evidence before him and the oral evidence of the appellant, unsupported in any way, was not a proper reason to come to any conclusion other than the one that was reached.
11. I see no error of law in the First-tier Tribunal's decision to dismiss the appeal on both points.
12. Ms Nasim says that the appellant has now got a letter from the bank that supports his case. Certainly some letter exists because she has shown it to me although it has not been admitted into evidence and I have not read the contents.
13. It really is for the appellant to prepare his case before the hearing. It is not acceptable to wait until the last minute and then produce a document which if genuine would be of considerable assistance. I do not think there

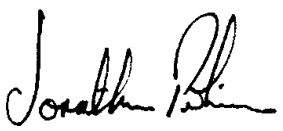
was a formal application to admit it. I would not have admitted it if there had been. This is the sort of document which can only be of value if it is disclosed in time for the respondent to make proper enquiries. It would have been of no use this morning, and no sensible explanation was offered for the late production of that document. It is something that should have been in the appellant's mind since the application was refused in December of last year.

14. Ms Nasim, if I may say so, has identified weak spots in the respondent's case and has made of them all that she properly can but they do not get around the fact that the evidence was sufficient to support the conclusions reached by the First-tier Tribunal Judge, who has not erred in law in any way.
15. I do make the comment that if there is good evidence that the Secretary of State has been given wrong information by the bank that that is something which she ought to be interested in learning more about but whether the appellant would want to disclose a document which could put him in a very difficult position if it does not stand up to scrutiny is a matter to him. It has no bearing whatsoever on my decision today which is that the First-tier Tribunal did not err in law and I dismiss the appeal that is before me.

Signed
Jonathan Perkins
Judge of the Upper Tribunal



Dated 21 October 2014



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