



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

Appeal Numbers: IA/11623/2014

THE IMMIGRATION ACTS

**Heard at: Field House
On: 1st October 2014**

**Determination Promulgated
On: 24th November 2014**

Before

DEPUTY UPPER TRIBUNAL JUDGE BRUCE

Between

Muhammad Waqas Ajaz

Appellant

and

Secretary of State for the Home Department

Respondent

For the Appellant: Mr S. Malik, Lex Immigration Specialists
For the Respondent: Mr Tarlow, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The Appellant is a national of Pakistan date of birth 6th August 1983. He appeals with permission¹ against the decision of the First-tier Tribunal (Judge Hindson) to dismiss his appeal against a refusal to vary his leave to remain and to remove him from the United Kingdom pursuant to s47 of the Immigration Asylum and Nationality Act 2006.

¹ Permission was initially refused by First-tier Tribunal Garratt on the 24th June 2014, but granted upon renewal by Upper Tribunal Judge C. Lane on the 12th August 2014

2. The Appellant had applied for further leave as a Tier 4 (General) Migrant. His application was refused on the 31st January 2014 for one reason. He had claimed to be maintained by his father, and had submitted evidence of funds held by a Mr Ajaz H. Butt to demonstrate that the money was available. He had however failed to demonstrate, to the Respondent's satisfaction, that Mr Ajaz H. Butt is in fact his father.
3. The evidence relied upon by the Appellant in order to demonstrate his relationship with Mr Ajaz H. Butt was a 'NADRA' certificate, issued by the Pakistani government, an affidavit from his father confirming paternity, and all of the Appellant's other official documentation from Pakistan which names his father (ie his degree certificate etc). The First-tier Tribunal does not dwell in detail on any of this material, simply noting that although evidence has been supplied to demonstrate paternity, it is not the documentation required by the Rules, namely a birth or adoption certificate. On that basis the appeal was dismissed.
4. On appeal the Appellant accepts that paragraph 13B (a)(i) of Appendix C does require that he produces a birth certificate naming his parents. He however relies on a document entitled 'Tier 4' Guidance v25.0 published on the 5th September 2014. This states that decision-makers within UKVI can "also accept a government-issued household register as evidence of the relationship...you should accept whatever document a country issues and not restrict it to only those documents specifically called 'birth certificates'". A NADRA is an extract from the household register issued by the government of Pakistan. As Mr Tarlow accepts, it falls squarely within this policy and should have been accepted as evidence of the Appellant's relationship to Mr Ajaz H. Butt. Indeed it was the very document that he relied upon in order to get his initial grant of leave to enter as a Tier 4 migrant. The appeal is therefore allowed.

Decisions

5. The determination of the First-tier Tribunal contains an error of law and it is set aside.
6. I re-make the decision in the appeal by allowing it.

Deputy Upper Tribunal Judge Bruce
31st October 2014