



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

Appeal Number: IA415852014

THE IMMIGRATION ACTS

**Heard at Field House
On 12th May 2016**

**Decision & Reasons Promulgated
On 26th May 2016**

Before

DEPUTY UPPER TRIBUNAL JUDGE CHANA

Between

**MR EJAZ MUNIR
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr O Noor, Counsel instructed by Samuel & Co
For the Respondent: Mr C Avery, Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a citizen of Pakistan born on 7th February 1984. He appealed against the respondent's decision to refuse to grant him further leave to remain in the United Kingdom under the points-based system and paragraph 245GF of the Immigration Rules.
2. First-tier Tribunal Judge Jessica Pacey dismissed the appellant's appeal and stated the following. The appellant's previous sponsor, Roberts Support Services Limited, did not hold and did not apply for a renewal of a Tier 2 sponsor licence. They surrendered their licence on 2 June 2014 and the appellant has not provided any credible evidence that he was still

employed by them. The company surrendered their licence and that the appellant had applied for leave as a Tier 2 Migrant in 2013 and indicated that he was no longer employed by Roberts Support Services Limited so therefore did not meet the requirements of paragraph 245GF(e)(i-ii). The judge held that there was no independent evidence of probative value to support the appellant's assertions, and explanation for why he had left the country on family visits. He refused to admit the post decision evidence.

3. The reason why permission to appeal was granted is that the judge in granting permission stated that the judge arguably failed to address the case of **Ahmed and Others (PBS: admissible evidence) [2014] UKUT 365 (IAC)** that the decision refusing leave under paragraph 245GF is not one considered under the PBS and therefore the judge erred in law in failing to take into account post decision evidence.
4. Mr Noor on behalf of the appellant accepted at the hearing that the permission Judge was not correct and that paragraph 245G is indeed a PBS decision and therefore post decision evidence cannot be admitted. He accepted that the respondent's refusal was made under the points-based scheme. He made no further submissions.
5. I find there is no error of law in the determination of the First-tier Tribunal and the evidential limitations apply to the appellant and post decision evidence cannot be considered. I therefore uphold the decision of the First-tier Tribunal and dismiss this appeal.

Appeal dismissed

No anonymity direction is made.

Signed Mrs S Chana

Date 25th day of May 2016

Deputy Upper Tribunal Judge Chana

TO THE RESPONDENT
FEE AWARD

I have dismissed the appeal and therefore there can be no fee award.

Signed Mrs S Chana

Date 25th day of May 2016

Deputy Upper Tribunal Judge Chana