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Please refer to www.gov.uk/contact-ukvi-inside-outside-uk

Email

Web www.gov.uk/uk-visas-immigration

MD Shuhel Rana
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BAGBARI KOTWALI
SYLHET SADAR-3100
3100
Bangladesh

Our Ref GWF080323421

Sent via Email: snshehelrana96@gmail.com

Date 10 June 2025

Dear MD Shuhel Rana

Response to your Pre Action Protocol Letter

This is a letter of response in accordance with the provisions of the Pre-Action Protocol for Judicial Review. A copy of this can be found at: www.justice.gov.uk.

1. The Claimant

MD Shuhel Rana

2. From

Secretary of State for the Home Department.

3. References

GWF080323421

4. Chronology

Date	Event
17/12/2024	Application for Short Term student visit lodged (VAF 6009520)
03/04/2025	Visa refused with Right of appeal
28/05/2025	Pre-Action Protocol (PAP) letter received challenging refusal of visa.

5. Details of the matter being challenged

You wrote to the Home Office on 28 May 2025, which we received on the same date, challenging the refusal of your entry clearance application to enter the UK as a short term student.

You allege that there has been a misinterpretation of facts and an incomplete evaluation of supporting evidence.

You have asked for the SSHD to reconsider your short term student visa application, without the need to reapply or a new fee and for a different caseworker to ensure impartiality and a fresh evaluation to grant you a UK short term student visa.

6. Response to the matters raised

The Secretary of State has reviewed the decision of 03 April 2025 in light of the representations raised in your Pre-Action Protocol letter dated 28 May 2025 and is satisfied that the decision is in accordance with the law.

You applied for entry clearance as a short term student on 17 December 2024 to enable you to come to the UK between 03 January 2025 and 12 October 2025 to attend the course ATHE Level 3 diploma in English and Communication in business.

Your application for a short-term student visa was refused under the paragraph(s) STS 5.2 and 8.1 of Appendix Short Term Student (English Language)

Paragraph STS 8.1 of the Immigration Rules Appendix Short-Term Student (English Language) states:

STS 8.1. If the decision maker is satisfied that all the suitability and eligibility requirements for a Short-term Student are met the application will be granted, otherwise the application will be refused.

Paragraph STS 5.2 of the Immigration Rules Appendix Short-Term Student (English Language) states:

STS 5.2. The applicant must intend to leave the UK within 30 days of the end of their English language course, or at the end of 11 months, whichever is sooner.

In your Pre-Action Protocol (PAP) letter you state that when assessing your application the ECO has misinterpreted the facts and made an incomplete evaluation of supporting evidence as the refusal states, that you did not demonstrate the need for improved English skills in your current role nor provided justification for undertaking the course in the UK.

Additionally the refusal relied on assumptions regarding your return to Bangladesh. You dispute this as you claim to have deep roots in your home country including significant assets, moveable and immoveable assets including the business which you claim cannot function without you, plus you have provided affidavits and financial statements in support of your application. However you claim the ECO dismissed these as merely self-declarations and not fact.

You also challenge the ECO's conclusion that you were likely to overstay which is speculative and disproportionate as you claim to have a clean travel history. You state you would not risk your professional and social ties by doing this and it is necessary to develop essential language skills to improve your business skills, so paid for the course upfront which you claim clearly shows your intention to return.

When assessing your application, the ECO noted that they have considered the documents and information submitted alongside your visa application form and the information about your personal and economic circumstances in your country of residence. The ECO considered all these documents and information against the requirements of the paragraph(s) STS 5.2 and 8.1 of Appendix Short Term Student (English Language).

The ECO states *“you have provided nothing from your current business or potential employers indicating that you require a higher level of English. The submitted documents state that you will be returning to the same position after the completion of your intended course. I note that you have been self-employed with your current business and a higher level of English does not appear to have been necessary to fulfil your role. I also note the documentation submitted in support of your application does not outline a reason for why you are required to learn English specifically within the United Kingdom. While this is not a prerequisite, you have not fully explained how this course will benefit you, especially when considering the significant financial outlay involved in participating in a course of this length in the UK. Nor have you satisfactorily explained why you have not undertaken any English language training or qualifications locally or online.*

This therefore damages the overall credibility of your application and leads me to question whether English proficiency is essential in your line of work.

You were contacted by the office requesting that you provide official and verifiable evidence to demonstrate how this course will benefit you and what other steps you have taken to improve your English Language abilities prior to applying for this course.

The ECO acknowledged you responded to this request by providing financial documents, a number of affidavits, 2 statements and an English Study Diploma.

The ECO also acknowledged that in support of your application, you have submitted a number of affidavits, or another alternatively named document printed on stamp paper. These documents are produced and attested to by officials without the need to produce any substantiating documentation. This means, in effect, they are a self-declaration, based solely on the word of the declaring party. Therefore, an affidavit, or similar document must be considered as a self-declaration.

Also submitted was a letter of self-declaration in which you listed various reasons to study in the UK. However, a personal statement or a curriculum vitae in isolation cannot be independently verified, and so must be considered as a self-declaration that reflects only the details stated by the applicant.

The ECO does state they recognise that you have provided a certificate from Mizan’s English Care Certification, they noted that the contact details associated with this educational institution use personal email accounts (e.g., Gmail or Facebook) rather than official or verifiable business communication channels. Given this lack of formal contact details they were unable to verify the authenticity of this document independently. The reliance on informal contact information raises questions regarding the legitimacy of the institution itself and it prevents the Home Office from confirming whether the qualification was genuinely awarded. This undermines confidence in your stated qualifications and intentions for study.

Furthermore the ECO states *“ Given the above, I am not satisfied of your credibility for attending this course, which leads me to question the purpose and reasoning for wanting to travel to the UK. Therefore, I am not satisfied you intend to leave the UK within 30 days of the end of your English language course, or at the end of 11 months, whichever is sooner. I have therefore refused your application because I am not satisfied, on the balance of probabilities, that you meet all the requirements of STS 5.2 and STS 8.1 of Appendix Short Term Student of the Immigration Rules.”*

The Secretary of State for the Home Department (SSHD) agrees with the Entry Clearance Officer's (ECO) assessment that the documents you submitted with your application did not sufficiently establish your current personal circumstances or demonstrate a genuine intention to leave the UK after your visit. As a result, the ECO had reasonable grounds to doubt your status as a genuine visitor and, on the balance of probabilities, concluded that you did not meet the requirements of the Visitor Rules.

You were given the opportunity to request an Administrative Review of this decision, but you did not pursue this option. While you have since provided additional evidence in your Pre-Action Protocol (PAP) letter, please note that an ECO can only consider documents and information submitted at the time of the original application.

It is the applicant's responsibility to ensure that all relevant evidence is included with the initial application. As the new information was not available during the original assessment, it cannot be taken into account. Therefore, the decision to refuse your application for entry clearance as a short term student is upheld.

You may submit a new application if your circumstances have changed or if you now have additional evidence that supports your eligibility under the appropriate Rules.

Consequently, the decision to refuse your client's application for a short term student visa is maintained.

7. Details of any other interested parties

None cited.

8. Address for service of court documents

In light of the above, the Pre- Action Protocol is now considered to be concluded.

However, if you wish to proceed to Judicial Review, the service address for Judicial Reviews issued in the Upper Tribunal is:

Litigation Allocation Unit, 6 New Square, Bedford Lakes, Feltham, Middlesex, TW14 8HA.

The service address for Judicial Reviews issued in the Administrative Court is:

Government Legal Department, 102 Petty France. Westminster, London, SW1H 9GL.

Please note Judicial Reviews issued in the Administrative Court should continue to be served on the Government Legal Department.

The SSHD would like to remind you and your client that an application for Judicial Review should be made promptly and in any event within three months of the date of the action against which the claim is to be made. The service of this Pre -Action Protocol letter does not affect this time limit.

From 6 April 2016, immigration applications may be refused if the applicant owes a litigation debt to the Home Office. We wish to remind you that failure to pay any costs awarded against you by the court or tribunal should you proceed with litigation in this case may affect the success of any future immigration application that you make.

Yours faithfully,

Litigation Operations- Liverpool
Appeals, Litigation and Administrative Review
On behalf of the Secretary of State for the Home Department

The Data Protection Act 2018 governs how we use personal data. For details of how we will use your personal information and who we may share it with please see our Privacy Notice for the Border, Immigration and Citizenship system at <https://www.gov.uk/government/publications/personal-information-use-in-borders-immigration-and-citizenship>. This also explains your key rights under the Act, how you can access your personal information and how to complain if you have concerns.