



EMPLOYMENT TRIBUNALS

Claimant: Mr Sanwar Ali

Respondent: Office of the Immigration Services Commissioner
and others

JUDGMENT ON APPLICATION FOR RECONSIDERATION

1. The claimant's application dated **13 December 2021** for reconsideration of the remedy judgment sent to the parties on **24 November 2021** is refused.
2. The judgment is confirmed.

REASONS

1. The Tribunal apologises to the claimant for the delay in considering his application for reconsideration of the judgment. This was an administrative issue as the application was first referred to the Judge on 1 June 2022.
2. The claimant failed to copy his application to the respondent as required by the Employment Tribunal Rules. The Tribunal copied the application to the respondent on 27 June and the respondent replied on 4 July to oppose the claimant's application. The Tribunal has received confirmation of the claimant's appeal to the EAT in January 2022.
3. There is no reasonable prospect of the original decision being varied or revoked, because:
 - 3.1 The Employment Tribunals Rules of Procedure 2013 provides at Rules 70–72, a process for reconsideration of judgments. The judgment was sent to the parties on 29 November 2021. The claimant's application was made on 13 December 2021, which was within the stipulated time limit of 14 days of the date on which the written record of the judgment was sent to the parties.
 - 3.2 Attached to the claimant's application was a summary prepared by the claimant of a private prosecution in the Westminster Magistrates Court. It was not clear to the Tribunal how this related to the application for

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reconsideration. Those proceedings were not brought by any of the respondents in this case. There had been no discussion of proceedings in the Magistrates Court at the preliminary hearing at the Employment Tribunal on 11 November 2021. The claimant did refer to a white immigration advisor who he alleged had committed fraud and was still allowed to register as an immigration advisor. It is not clear whether the proceedings in the Westminster Magistrates Court concerned that advisor. The document does not include details of a conviction and there is no evidence of all the factors that would need to be provided to the Tribunal, in order for him to be a comparator in any complaint of direct discrimination.

- 3.3 It is this Tribunal's judgment that what it had to decide at the hearing on 11 November 2021 was whether the claimant's complaints had any reasonable prospects of success. In paragraph 16 of the judgment, this Tribunal decided that the respondent had not made a final decision on the claimant's application but had in effect, suspended his application for the two reasons set out in the letter.
- 3.4 The claimant's application for reconsideration is based on his feelings that in certain important aspects, the decision was unfair. Also, because he has since made another application in 2021, after the conclusion of the criminal proceedings against him, and to date has had no response from the OISC. That application was not under consideration at this hearing. The fact that the claimant believes that this decision was unfair to him is not sufficient grounds to reconsider it.
- 3.5 There are no grounds to reconsider the claims that were dismissed on the claimant's withdrawal and therefore the claimant's application only relates to the strike out in relation to the first respondent.
- 3.6 As the respondent has pointed out, there were no disputed factual issues between the parties on 11 November. The sole issue following the dismissal of the complaints against the individual named respondents, was: what was the reason for the first respondent's refusal/suspension of the claimant's application for registration of his companies as licensed providers of immigration advice?
- 3.7 The reasons for my decision that there were no reasonable prospects of the claimant succeeding with his complaint that the respondent refused/suspended his application because it was engaged in harassment, victimisation and direct discrimination towards him on the grounds of race, religion and age; were set out in full in the judgment promulgated on 24 November. As recorded in that judgment, I took the claimant's case at its highest and I considered that these are allegations of discrimination which should not be dismissed lightly, especially on complaints of unlawful discrimination. I considered the appropriate law.
- 3.8 It is this Tribunal's judgment that there is nothing in the claimant's application for reconsideration that challenges the Tribunal's judgment. There is nothing in the claimant's application for reconsideration that in the interests of justice, would require this decision to be reviewed or changed.

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- 3.9 The Claimant's application for reconsideration of the Tribunal's judgment dated 13 December 2021 is refused for the reasons stated above, under Rules 70 and 72 of the Employment Tribunals Rules 2013. The judgment promulgated to the parties on 24 November is confirmed.

**Employment Judge Jones
Date: 14 July 2022**