

complaint

Mr T complains that his wife's application for leave to remain in the UK failed because HSBC Bank Plc didn't give him an up to date individual savings account (ISA) statement.

Mr T wants HSBC to pay him substantial compensation.

background

As part of Mrs T's application to the Home Office, Mr T needed to show that he had enough money in his account to support his wife. Mr T says he asked HSBC to give him an ISA statement for the previous 12 months from October 2014. But the bank gave him one for the period until April 2014.

The Home Office declined Mrs T's application. Mrs T appealed and Mr T provided a correctly dated ISA statement. But the First Tribunal said it couldn't consider new evidence.

Mr T detailed the expenses involved in the failed application. He asked HSBC to pay him over £7,000.

HSBC accepted Mr T's word that he had asked for an ISA statement for the period up to October 2014. It initially paid £30 to Mr T for any inconvenience caused because he had to ask for a new ISA statement. HSBC offered a further £100 but wasn't prepared to pay the level of compensation Mr T asked for.

Our adjudicator wasn't satisfied Mrs T's application failed purely because HSBC sent a statement for the wrong period. She felt Mr T was responsible for making sure he included the correct paperwork. Our adjudicator considered the bank's offer to pay £100 was fair and reasonable.

Mr T is unhappy with our adjudicator's conclusions. He says the bank's offer to pay £100 doesn't reflect the level of costs he has spent.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so, I agree with the conclusions of the adjudicator for broadly the same reasons.

I've read the letter from the Home Office dated 4 December 2014. It says Mrs T's application for leave to remain in the UK was refused because she didn't satisfy the requirements of the Immigration Rules. The Home Office explains that none of the bank statements provided were dated within one month of the date of the application.

Mrs T appealed to the Immigration and Asylum First-tier Tribunal ("the Tribunal"). The Tribunal rejected Mrs T's appeal. It said it could only assess the material that was before the decision maker at the time of the application. The Tribunal couldn't consider the new ISA statement as part of the appeal.

I am very sorry to hear about Mrs T's situation. I can understand that Mr T and his family have found the experience very stressful. But I can't reasonably find that HSBC is

responsible for the failure of Mrs T's application. It was Mr and Mrs T's responsibility to make sure they included the correct information before submitting Mrs T's application.

I also take account of the fact that Mrs T's application didn't fail solely because of the incorrectly dated ISA statement. Mr T included statements from two other banks and these didn't fall within the required timescale.

I appreciate that Mr T included the other bank statements as evidence of his wife's salary and their savings. And that it was only the HSBC ISA statement that would've demonstrated that Mr T had the required level of funds to satisfy the relevant requirements. But this doesn't change the fact that the Home Office rejected the application on the basis that none of the bank statements were dated within a month of the application.

I also agree with our adjudicator that it wasn't reasonably foreseeable that HSBC's mistake would lead to the Home Office turning down Mrs T's application.

I realise that it will disappoint Mr T but I don't find it fair to require HSBC to pay the level of compensation he would like. I consider the bank's offer to pay £100 in addition to the £30 it has already paid, is fair and reasonable.

my final decision

My decision is that I uphold Mr T's complaint in part and direct HSBC Bank Plc to pay Mr T £100 in full and final settlement.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr T to accept or reject my decision before 18 February 2016.

Gemma Bowen
ombudsman