



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

Appeal Number: IA/22078/2013

**THE IMMIGRATION ACTS**

**Heard at Field House**

**On 12 June 2014**

**Determination**

**Promulgated**

**On 17 June 2014**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE MCWILLIAM**

**Between**

**MR AJDAN ALI**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: None

For the Respondent: Mr S Kandola, Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant is a citizen of Pakistan and his date of birth is 31 December 1990. He made an application on 27 February 2013 for leave to remain in the UK and the Secretary of State refused the application in a decision of 23 May 2013.

2. The appellant appealed against the decision of the Secretary of State and his appeal was dismissed by Judge of the First-tier Tribunal Brenells in a determination that was promulgated on 26 November 2013. The matter was determined on the papers. The appellant had requested an oral hearing but did not attend and the matter was determined in his absence.
3. The appellant appealed and the grounds seeking permission to appeal raised various issues. Permission was granted by Judge of the First-tier Tribunal Levin in a decision of 14 April 2014 and thus the matter came before me.
4. It is clear that the appellant changed address at some stage during the proceedings and that he notified the Tribunal of this in correspondence. It is asserted by the appellant that he did not receive the notice of the hearing and I note that it was sent to the appellant's original address. In the circumstances I find that there was a material procedural irregularity in that the appellant was not notified of the date of the hearing before the First-tier Tribunal.
5. I remit the matter to the First-tier Tribunal to be heard afresh pursuant to paragraph 7.2(a) of the Practice Statement of the Senior President of Tribunals on 25 September 2012. The matter will be determined *de novo* at a hearing at Taylor House on 6 October 2014.
6. I make no directions. The appellant submitted a bundle of documents including a witness statement at the hearing before me on 12 June 2014. I observe that the section 47 decision was made after 8 May 2013 and it appears therefore to be a lawful decision

Signed            Joanna McWilliam

Date 16 June 2014

Deputy Upper Tribunal Judge McWilliam