



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

Appeal Number: IA/52866/2013

**THE IMMIGRATION ACTS**

**Heard at: Field House  
On: 13 February 2015**

**Determination Promulgated  
On: 10 March 2015**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE CHANA**

**Between**

**MR IQBAL FAIZAL  
(NO ANONYMITY DIRECTION MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr L Kennedy, Solicitor

For the Respondent: Mr E Tufan, Senior Presenting Officer

**DETERMINATION AND REASONS**

1. The appellant is a citizen of the India born on 12 September 1979. The appellant's appeal to the First-tier Tribunal was against the decision of the respondent to refuse his application for leave to remain in the United Kingdom as a Tier 4 (General) pursuant to paragraph 245 XZ of the Immigration Rules and pursuant to Article 8 of the European Convention on Human Rights in respect of his private life.

2. A Judge of the First-tier Tribunal, C. Greasley dismissed the appellant's appeal pursuant to the Immigration Rules and Article 8. First-tier Tribunal Judge Brunnen in a decision dated 22 July 2014 granted the respondent permission to appeal to the Upper Tribunal, it being found arguable that the First-tier Tribunal Judge had materially erred by not considering the appellant's evidence in the respondent's bundle of 30 October 2013 that is application was made in time and the respondent had refused his application on an erroneous bases.
3. Thus the appeal came before me.
4. The appellant did not appear at the hearing of his appeal and his appeal was heard on the papers. His nonappearance was an issue at the First-tier Judge who stated at paragraph 15 that he cannot be satisfied that the appellant continues to reside in the United Kingdom. The appellant indicated in his grounds of appeal that he would provide further appeal grounds and documents and none were forthcoming.
5. Mr Kennedy stated that he had advised the appellant to attend the hearing but he failed to do so. Mr Tufan said that despite concerns raised that the appellant is not in the country, he has failed to appear at the hearing and his appeal should be considered abandoned. Mr Kennedy said that he did advise the appellant that he should attend the hearing due to the concerns raised by the First-tier Tribunal Judge and the respondent. He said that he last saw the appellant in July 2014 when he came to his office but he spoke to him on the telephone yesterday where he again reiterated his advice that he must attend the appeal hearing.
6. The appellant did not attend the appeal hearing. I find that the appellant was put on notice that he must demonstrate that he is still in the country. The appellant was also advised by his solicitors to attend the hearing and failed to do so.
7. I therefore find that there is no valid appeal before me to be determined. The appeal has been abandoned by the appellant because he has not demonstrated that he is still in the United Kingdom. If an applicant leaves the United Kingdom, his appeal is considered to be abandoned.

## **Decision**

Appeal dismissed.

Signed by

A Judge of the Upper Tribunal  
Mrs S Chana

The 9<sup>th</sup> of March 2015