



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

Appeal Number: IA/29713/2011

THE IMMIGRATION ACTS

**Heard at Field House
On 23 May 2017**

**Decision & Reasons Promulgated
On 21 June 2017**

Before

DEPUTY UPPER TRIBUNAL JUDGE ESHUN

Between

**MASHOUD MAKKI
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: No appearance
For the Respondent: Mr T Melvin, HOPO

DECISION AND REASONS

1. This case has had a long history. I shall refer to the most recent events as recorded by Upper Tribunal Judge Craig in his decision and directions dated 3 July 2013.

2. On 22 August 2011, the appellant's appeal against the respondent's decision that Section 32(5) of the UK Borders Act 2007 applied to him was dismissed by the First-tier Tribunal. On 3 September 2011 permission was refused by the Upper Tribunal. The appellant renewed his application but it was further refused. Then on 14 October 2011, the appellant's representatives made an application to revoke his deportation order, which application was refused by the respondent on 17 October 2011. On the same day, that is 17 October 2011, the appellant's application for judicial review in respect of the decision of the Upper Tribunal to refuse permission to appeal was refused by Ousley J, who also ordered that the renewal of his application would not be a bar to his removal.
3. On the following day, 18 October 2011, the appellant lodged an appeal against the respondent's decision refusing to revoke the deportation order. The appellant was subsequently removed to Bangladesh by the respondent.
4. Following a Case Management hearing on 21 December 2011 at Hatton Cross, First-tier Tribunal Judge Pullig, in a Ruling and Directions, ruled that by virtue of Section 92(4)(a) of the Nationality, Immigration and Asylum Act 2002, the appellant had an in-country right of appeal, having previously made a human rights claim. He considered that the appellant had a right to appeal the respondent's refusal to revoke that deportation order pursuant to Section 82(2)(k) of the 2002 Act.
5. Although noting that the respondent would be aware that the Tribunal had no power to order the respondent to return the appellant, First-tier Tribunal Judge Pullig nonetheless directed that "the respondent must notify the Tribunal in writing ... of the steps she intends to take to ensure the appellant's return to this country and when she intends to do so".
6. In response to the ruling, the respondent notified the Tribunal that she intended to take no steps to ensure the appellant's return to this country and that she never intended to do so. Further, she purported to appeal this decision.
7. Bypassing the rest of Upper Tribunal Judge Craig's decision and directions, I find that the respondent's decision to remove the appellant was lawful. I give my reasons below.
8. I note from the respondent's decision letter of 17 October 2011 that the respondent signed the deportation order against the appellant on 24 May 2011. On 14 October 2011 the appellant's representatives requested that the deportation order be revoked on the basis that the appellant's risk of re-offending has not been properly considered and advised that they had instructed Dr Raj Persaud to conduct an independent assessment.
9. On 17 October 2011 the respondent rejected the appellant's submissions as they did not contain grounds raised under the European Convention on

Human Rights or the Refugee Convention in line with Section 92(4) of the Nationality, Immigration and Asylum Act 2002. The appellant was informed that he could not appeal the respondent's decision while he was in the United Kingdom. He was also informed that directions had been given for his removal to Bangladesh.

10. I find as a consequence that the Respondent made a lawful decision to remove the appellant to Bangladesh.
11. I find that the appeal which the appellant lodged on 18 October 2011 whilst he was in the United Kingdom, was invalid.
12. I find that I have no jurisdiction to determine the appellant's appeal.
13. No anonymity direction is made.

Signed

Date: 20 June 2017

Deputy Upper Tribunal Judge Eshun