



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

Appeal Number: IA/32447/2015

THE IMMIGRATION ACTS

**Heard at Field House
On 30 August 2017**

**Determination
Promulgated
On 04 September 2017**

Before

UPPER TRIBUNAL JUDGE JORDAN

Between

Secretary of State for the Home Department

Appellant

and

Clifford O'Connor

Respondent

DECISION AND REASONS

1. The respondent is a citizen of Jamaica who appealed to the Tribunal on the basis that he considered he was appealing against the decision of the Secretary of State refusing to revoke the deportation order on the basis that his removal was a violation of his human rights.
2. The relevant decision, however, was a revocation of his indefinite leave to remain and the substitution of it with a period of limited leave. As such, the decision carried no right of appeal to the Tribunal and the Tribunal had no jurisdiction to hear an appeal.
3. The respondent's solicitors wrote to the Tribunal on 9 August 2017 in these terms:

We write to inform the court that we have received instructions from the respondent informing us that he would like to withdraw from the Upper Tribunal appeal.

The respondent has also instructed us to inform the court that he concedes that the [First-tier Tribunal Judge] made an error of law in allowing the appeal...and that the matter before the court dealt with the revocation of his indefinite leave to remain...which does not have a right of appeal...

4. The appeal was listed before me at Field House on 30 August 2017 but I was not aware that the case was to proceed and did not have the file at the hearing. Mr Jarvis the Home Office Presenting Officer noticed it was listed but did not, as I recall, have the file. The respondent, Mr O'Connor, unsurprisingly, did not appear nor was he represented. Accordingly, there was no hearing save for the fact that it was listed. I have now read the file.
5. As the respondent has conceded that the First-tier Tribunal Judge's determination was made in error, I set it aside.
6. I am satisfied that the respondent did not have a right of appeal and his concession to that effect was properly made.
7. Notwithstanding the somewhat unusual nature of the hearing on 30 August 2017, I am satisfied that no injustice is done by my determining the appeal.

DECISION

1. The Tribunal had no jurisdiction to hear and determine the appeal.
2. The Judge made an error on a point of law and I substitute a decision setting aside his determination and ruling that the Tribunal had no jurisdiction to entertain an appeal to the Tribunal.

ANDREW JORDAN
JUDGE OF THE UPPER TRIBUNAL