



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

Appeal Number: IA/48281/2014

THE IMMIGRATION ACTS

**Heard at Field House
On 3 April 2017**

**Decision & Reasons
Promulgated
On 22 May 2017**

Before

DEPUTY UPPER TRIBUNAL JUDGE DAVEY

Between

**MR MALIK NADEEM AHMAD
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: The Appellant in Person

For the Respondent: Mr N Bramble, Senior Presenting Officer

DECISION AND REASONS

1. The Appellant, a national of Pakistan, date of birth 15 February 1964, appealed against the Respondent's decision, dated 19 January 2014, to

refuse a claim based around human rights which the Secretary of State certified as clearly unfounded and therefore removed rights of appeal.

2. The Appellant has on any view been ill-served by his former advisers in that a fee was paid and for some reason accepted and there were two adjourned hearings before ultimately the final hearing before the judge on 17 May 2016. It is extremely unfortunate and to a degree unfair on the Appellant, who thought that he had an ongoing appeal, but ultimately the judge correctly concluded that in a sequence of events an appeal was erroneously lodged against a form IS.151A dated 4 November 2014. His representatives had not realised, despite the contents of an earlier Reasons for Refusal Letter which was substituted by that of 19 January 2015, that there was no right of appeal. What should have happened if there was any basis for it was for there to be an application for judicial review against the certificate. 3. The judge having made the decision, permission to appeal was refused by the First-tier Tribunal.
3. On a renewed application permission was granted by Upper Tribunal Judge McWilliam on 8 February 2017. It is less than clear what was before the judge, who certainly does not seem to have had the critical pages of the Respondent's decision of January 2015 in which it is clear as can be that the claim was certified. It therefore is to a degree a complication for this Appellant that there has been another hearing where I am afraid the outcome remains that there is no right of appeal.
4. The Appellant should have been told of this long ago and whoever has been advising him should have told him as clear as can be that there was no right of appeal which he could pursue through the appeal process before this Tribunal. Having considered the papers and having the advantage of a helpful note of the abortive hearings before the First-tier Tribunal in November 2015 and February 2016 it is the more unfortunate that those advising did not tell him sooner that he had no right of appeal and could not pursue an appeal.

NOTICE OF DECISION

The appeal is dismissed

ANONYMITY ORDER

No anonymity is necessary or appropriate.

Signed

Date 10 May 2017

Deputy Upper Tribunal Judge Davey

TO THE RESPONDENT

FEE AWARD

The appeal has been dismissed for want of jurisdiction. There can be no fee award.

Signed

Date 10 May 2017

Deputy Upper Tribunal Judge Davey