



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: IA/15915/2013

THE IMMIGRATION ACTS

Heard at Newport
on 27th February 2014

Determination Promulgated
on 4 March 2014

Before

UPPER TRIBUNAL JUDGE HANSON

Between

MOHAMMED SHINWARY
(Anonymity order not made)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: No appearance

For the Respondent: Mr Richards – Senior Home Office Presenting Officer.

DETERMINATION AND REASONS

1. This is an appeal against a determination of First-tier Tribunal Judge Rowlands promulgated on the 28th October 2013 in which he dismissed the appeal against the refusal of leave to remain on human rights grounds.

2. In paragraphs 11 to 14 of the determination the Judge sets out the procedural history, including the failure of the appellant to attend that hearing and the earlier refusal of an adjournment request made by his previous representatives on the basis they were without instructions.
3. In his application for permission to appeal the appellant claimed not to have received the notice of hearing. It appears from the papers that he may have changed address without notifying the Tribunal or respondent. Permission to appeal was granted on the basis that, although on the available information the Judge was entitled to proceed as he did, the appellant may have lost the opportunity to have a hearing.
4. Notice of the hearing before the Upper Tribunal was sent by first class post to the last address notified as the appellant's address for service, which is that set out in the application for permission to appeal to the Upper Tribunal, which have not been returned as not having been delivered. I am satisfied there has been valid service of the notice of hearing in accordance with the relevant provisions. There has been no application for an adjournment but, yet again, the appellant failed to attend a hearing. In the absence of a satisfactory explanation for his absence the Tribunal decided to proceed in absence as there was nothing to indicate any other course of action was appropriate in all the circumstances.
5. As the appellant has failed to attend to pursue his claim and in light of the lack of any obvious legal error in Judge Rowlands determination, I dismiss the appeal. The determination shall stand.

Decision

6. **There is no material error of law in the First-tier Tribunal Judge's decision. The determination shall stand.**

Anonymity.

7. The First-tier Tribunal did not make an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005. I make no such order.

Signed.....
Upper Tribunal Judge Hanson

Dated the 3rd March 2014