



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

Appeal Number: IA/17224/2013

**THE IMMIGRATION ACTS**

**Heard at Field House**

**On 10<sup>th</sup> June 2014**

**Determination**

**Promulgated**

**On 27<sup>th</sup> June 2014**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE DAVIDGE**

**Between**

**MR MIGUEL ANGEL TABORDA  
(NO ANONYMITY ORDER MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr D O'Callaghan, Counsel

For the Respondent: Ms A Holmes, Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. The Respondent appeals with permission a decision of First-tier Tribunal Judge Herbert who, in a determination promulgated on 21<sup>st</sup> February 2014, allowed the Appellant's appeal against the Secretary of State's decision to

refuse him leave to remain on the basis of his family and private life to the limited extent that the appeal be remitted to the Secretary of State for reconsideration.

2. Before me the Appellant was represented by Mr D O'Callaghan of Counsel and the Respondent was represented by Ms A Holmes, Home Office Presenting Officer.
3. Both of the representatives were in agreement that because the Appellant's application for leave had been refused with his human rights claim certified under Section 94(2) NIAA 2002, the Tribunal had no jurisdiction to determine the appeal. Accordingly I set aside the decision for want of jurisdiction. Counsel for the Appellant advised that the certification was being challenged by judicial review in the Administrative Court which is the correct venue for the determination of the issue.

Signed

Date 25.06.2014

Deputy Upper Tribunal Judge Davidge