



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: IA/26349/2013

THE IMMIGRATION ACTS

Heard at Field House
On 22nd July 2014

Determination Promulgated
On 11th Aug 2014

Before

DEPUTY UPPER TRIBUNAL JUDGE JUSS

Between

MR ALI WANIS
(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 Chris Avery (HOPO)

DETERMINATION AND REASONS

1. This is an appeal against the determination of First-tier Tribunal Judge Brenells, promulgated on 6th May 2014, following a hearing at Taylor House on 22nd April

2014. In the determination, the judge dismissed the appeal of Ali Wanis, who subsequently applied for, and was granted, permission to appeal to the Upper Tribunal, and thus the matter comes before me.

The Appellant

2. The Appellant is a citizen of Tunisia who was born on 31st May 1989. He appealed against the decision of the Respondent Secretary of State dated 11th June 2013 refusing his application for leave to remain in the UK outside the Immigration Rules.
3. The Appellant had entered the UK as a visitor, having married his sponsoring wife, a person present and settled in the UK and had then overstayed the grant of his visitor's leave. Two children were subsequently born to the Appellant and his wife, and a third was expected. The children are British citizens, as is the wife.

The Judge's Findings

4. The judge held that it was entirely reasonable for the Appellant to return back to Kosovo because he was not exercising sole responsibility over his two children, who were living with his sponsoring wife in any event.
5. Neither the sponsoring wife nor the Appellant himself were in employment in the UK and both were at home caring for their children. Both children were healthy and neither were at school.
6. Their welfare needs were considered in accordance with the Rules and there was nothing necessary for the judge to consider outside of the Rules under Article 8 ECHR rights (see paragraph 15). The appeal was dismissed.

The Hearing

7. At the hearing before me on 22nd July 2014, the Appellant was not in attendance. His legal representative, Miss E Adu-Gyamfi was also not in attendance. In fact, Mr Avery, appearing on behalf of the Respondent Secretary of State, handed up CID notes in relation to the Appellant which made it clear that the Appellant had left the UK with his son on 18th June 2014 and that his wife and second child were due to depart later on in the month.
8. The entire family came to Becket RC with British passports and birth certificates for the children and they were added as dependants of Mr Wanis on CID. A letter of consent was signed by the mother and the father confirming that the mother was content for her husband, the Appellant, and the child, to depart together from the UK without the mother. The Appellant was served with IS96, CSIS and IS51D and he signed a disclaimer. His passport is with CSRT at Gatwick.
9. The child departing with the Appellant was a British citizen and he would be in possession of his own passport when he departs, which he would have done on 19th June 2014.

10. Accordingly, since the Appellant is no longer in the UK, and has departed to return to Tunisia, this appeal is abandoned. There is nothing further for this Tribunal to decide.

Decision

11. This appeal has been abandoned by the Appellant. There is nothing for this Tribunal to decide.
12. This appeal is dismissed.
13. No anonymity order is made.

Signed

Dated

Deputy Upper Tribunal Judge Juss

11th August 2014