



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: IA/19218/2014

THE IMMIGRATION ACTS

Heard at Field House
On 10 November 2015

Decision and reasons
promulgated
On 24 November 2015

Before

DEPUTY UPPER TRIBUNAL JUDGE MAILER

Between

MRS ONYINYE SOMMTOCHUCKWU EZEMA
(NO ANONYMITY DIRECTION MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation

For the Appellant: Mr A Morgan, counsel (instructed by Spring Solicitors)
For the Respondent: Ms N Willcocks-Briscoe, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a national of Nigeria, born on 20 July 1984. Her appeal against the decision of the respondent refusing her application for leave to remain in the UK as the spouse of a settled person was dismissed by First-tier Tribunal Judge Abebrese in a decision promulgated on 26 May 2015.
2. On 13 August 2015 the appellant was granted permission to appeal to the Upper Tribunal.
3. At the commencement of the hearing on 10 November 2015, Ms Willcocks-Briscoe raised a preliminary issue. She stated that it appears from Home Office records, that the appellant left the UK after being granted permission to appeal.

4. She accordingly submitted that in accordance with the provisions of s.104(4) of the Nationality, Immigration and Asylum Act 2002, an appeal under s.82(1) brought by a person while she is in the UK is to be treated as abandoned if the appellant leaves the UK.
5. Mr Morgan confirmed that the appellant had left the UK. Although s.104(4) had been omitted by Schedule 9 of the Immigration Act 2014 from 20 October 2014, that was subject to savings set out in Articles 9-11 SI 2014/2771.
6. Accordingly, Mr Morgan accepted that the Upper Tribunal has no jurisdiction to hear this appeal.

Notice of Decision

There is no valid appeal

The Tribunal shall send the parties a notice informing them that the appeal is treated as abandoned.

No anonymity direction is made.

Signed

Date 20 November 2015

Judge C R Mailer

Deputy Upper Tribunal Judge