



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Numbers: IA/00450/2013

THE IMMIGRATION ACTS

No hearing
10 October 2013

Determination Promulgated
11 October 2013

Before

Mr C M G Ockelton, Vice President

Between

ERUJ JAVAID

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DETERMINATION AND REASONS

1. The appellant, a national of Pakistan, appealed to the First-tier Tribunal against the Respondent's decision refusing her leave to remain, outside the Immigration Rules. Judge Eldridge dismissed the appeal in a determination sent out on 28 April 2013.
2. The appellant then sought permission to appeal. The grounds were, in essence, that quite apart from the decision under appeal, she had made an earlier application for variation of her leave, the refusal of which had been challenged by way of judicial review. The grounds asserted that that application was still pending in the High Court, and that the issues raised in those proceedings were necessarily relevant to the

present claim. Judge Perkins was persuaded that that point was arguable, and granted permission to appeal.

3. Investigation by the Tribunal revealed, however, that the judicial review proceedings were dismissed by the High Court on 29 June 2012, long before the appeal to the First-tier Tribunal. The assertion in the grounds of appeal was not correct. That point has now been raised with the appellant's solicitors, who, for whatever reason, were unaware of it. They acted on the instructions and information received from their client. She, the appellant, is now without representation.

4. The solicitor's letter to the Tribunal contained the following passage:-

“16. It has now emerged that Ms. Javaid failed to re-submit her papers. When we approached her regarding a clarification, she has still indicated that she will be re-submitting the papers and she has been unable to do so as she was waiting for further verification documents from the concerned bank.

17. It is with this background that we have dealt with Ms. Javaid's case.

18. However, it now appears that Ms. Javaid has mis-represented to us or failed to act as indicated to us. We have relied on the information provided by Ms. Javaid and have endeavoured to act in the best interest of our client.

19. Therefore, it is clear now that the basis of Ms. Javaid's permission to appeal to the Upper Tribunal does not exist at the moment.”

5. In a letter to the appellant on 9 September 2013 I drew her attention to that passage, and indicated that in the absence any proposal to the contrary within 14 days, I proposed to dismiss her appeal without more ado. No reply of any sort has been received.

6. It is clear that permission was obtained by a mis-statement in the grounds of appeal. There is no proper basis upon which an appeal could be allowed; and no perceptible error of law by the First-tier Tribunal. This appeal is dismissed.

C M G OCKELTON
VICE PRESIDENT OF THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER
Date: 10 October 2013