



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

Appeal Number: DA/01417/2014

THE IMMIGRATION ACTS

**Heard at Nottingham
On 19th May 2015**

**Decision and Reasons Promulgated
On 26th May 2015**

Before

UPPER TRIBUNAL JUDGE COKER

Between

JAHNGIR ALAM

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms J Campbell, counsel, instructed by Maya solicitors
For the Respondent: Mr D Mills, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The First-tier Tribunal in a determination promulgated on 2nd September 2014 dismissed the appellant's appeal on human rights grounds against the deportation order made pursuant to s32 UK Borders Act 2007. The panel that heard the appeal found that the decision was proportionate and that the appellant did not meet the requirements of the Immigration Rules.
2. Permission to appeal was granted by UT Judge Rintoul on 15th January 2015 on grounds that it was arguable that the First-tier Tribunal had erred in not making a finding "pursuant to paragraph 399A as to whether the appellant had lost all ties to Bangladesh". The grounds had submitted that the First-tier Tribunal had failed to

consider Ogundimu (Article 8 – new Rules) Nigeria [2013] UKUT 00060 (IAC) in determining the question of ties ([1] to [10] of the grounds). The grounds further asserted ([11]) that the First-tier Tribunal had erred in “failing to fully consider the Appellant’s appeal under the Immigration Rules and furthermore failed to provide sufficient reasons for not doing so”.

3. The paragraph of the Rules relied upon in grounds set out in [1] to [10] had been deleted from the Rules by the date of the hearing of the appeal before the First-tier Tribunal and a new paragraph 399A substituted by HC 532. Ms Campbell accepted that there was no merit in the grounds [1] to [10] as formulated because they addressed a Rule that had ceased to have any effect by the date of the hearing.
4. In so far as [11] of the grounds was concerned she accepted that this did not particularise the challenge to the determination of the First-tier Tribunal. Mr Mills accepted that in so far as paragraph 399A was concerned the appellant met 399A(a) and (b). Ms Campbell confirmed that permission to appeal had not been sought on the grounds that the judge had failed to consider and make findings upon 399A(c) specifically but submitted that on a generous reading of [11] of the grounds this could be read into that paragraph. I do not agree.
5. In any event, Ms Campbell accepted that there had been no evidence to the First-tier Tribunal and no submission that the appellant would face “very significant obstacles to his integration into the country to which it is proposed that he is deported”. The First-tier Tribunal cannot be criticised for failing to consider evidence that was not put or submissions that were not made.

Conclusion

6. I am therefore satisfied that there is no error of law such that the decision of the First-tier Tribunal be set aside to be remade.
7. I do not set aside the decision.
8. The appeal is dismissed and the determination of the First-tier Tribunal stands.



Date 19th May 2015

Upper Tribunal Judge Coker