



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

Appeal Number: IA/01045/2014

THE IMMIGRATION ACTS

**Heard at Bradford
On 16 July 2014**

**Determination Promulgated
On 30 March 2015**

Before

UPPER TRIBUNAL JUDGE CLIVE LANE

Between

**DAVID GEORGE LEE SHUE
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Not present or represented

For the Respondent: Mrs R Pettersen, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant, David George Lee Shue, was born on 31 December 1972 and is a male citizen of Jamaica. He has appealed against a decision of the First-tier Tribunal which was promulgated on 14 April 2014. Permission was granted on the basis that the appellant (who did not attend before the First-tier Tribunal) should have been granted an adjournment because his partner was in hospital at the time undergoing a serious heart operation.

2. I am aware that the same appellant appeared before me in a completely separate appeal in the Upper Tribunal which I allowed and which, so far as I am aware, has not been appealed successfully by the Secretary of State to the Court of Appeal. The present appeal concerns a very similar application for leave to remain which was the subject of a successful appeal. The appellant did not appear before me on 16 July 2014 at Bradford.
3. In light of the fact that the appellant has now been successful in proceedings before the Upper Tribunal, albeit in different proceedings, he should, by now, have been granted leave to remain in the United Kingdom, noting also that he failed to attend the hearing on 16 July 2014, I consider the correct course of action is to dismiss this appeal.

Notice of Decision

This appeal is dismissed.

Signed

Date 28 February 2015

Upper Tribunal Judge Clive Lane