



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

Appeal Number: IA/07820/2013

THE IMMIGRATION ACTS

Heard at Field House

Decision and Reasons

On 12 May 2015

Promulgated

On 14 May 2015

Before

**Mr CMG OCKELTON, VICE PRESIDENT
UPPER TRIBUNAL JUDGE JORDAN**

Between

Jodian Walker

Appellant

and

The Secretary Of State For The Home Department

Respondent

Representation:

For the appellant: No appearance

For the respondent: Mr T. Wilding, Home Office Presenting Officer

DETERMINATION AND REASONS

1. This appeal, in light of the decisions in *AS (Afghanistan) v SSHD* [2013] EWCA Civ 1469 and *Patel & others v SSHD* [2013] UKSC 72, raised issues in relation reliance upon paragraph 298 of the Immigration Rules by way of supplemental grounds in a s. 120 notice in the case of a minor who had reached her majority in the course of the proceedings.

2. I made directions on 7 October 2014 that the appellant must file and serve by 4 November 2014 detailed submissions as to the nature and effect of raising paragraph 298 in her statement of grounds served pursuant to s. 120 of the Nationality, Immigration and Asylum Act, 2002. (The respondent was to file and serve sequential detailed submissions by way of response.)
3. The appellant failed to comply with the directions in time or at all.
4. The appellant's representatives took it upon themselves to assure the respondent that they would serve a belated submission by 19 January 2015. They failed to do so.
5. The appellant's representatives notified the Tribunal and the respondent on 8 May 2015 that they were without instructions. (The panel was not aware of this at the hearing on 12 May 2015 until notified of the fact by Mr Wilding.)
6. Neither the appellant nor her representatives attended on 12 May 2015. We are satisfied that the appellant was properly served with a notice of hearing on 20 April 2015 by first class post at the address provided by her to the Tribunal.
7. The appellant did not pursue her appeal to the Tribunal.

DECISION

The Judge made no error on a point of law and the original determination of the appeal shall stand.

ANDREW JORDAN
JUDGE OF THE UPPER TRIBUNAL
13 May 2015