



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

Appeal Number: IA/27347/2014

THE IMMIGRATION ACTS

Heard at Field House

On 11 March 2015

**Determination
Promulgated**

On 12 March 2015

Before

Deputy Upper Tribunal Judge Pickup

Between

Liaqat Ali Qadri

[No anonymity direction made]

Appellant

and

Secretary of State for the Home Department

Respondent

Representation:

For the appellant: Mr A Chohan, instructed by Immigration Chambers

For the respondent: Ms A Everett, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. This is the appellant's appeal against the determination of First-tier Tribunal Judge Eldridge promulgated 13.11.14, dismissing his appeal against the decision of the respondent, dated 18.6.14, to refuse his application made on 20.12.13 for further leave to remain as a Tier 1 Entrepreneur. The Judge heard the appeal on 4.11.14.
2. First-tier Tribunal Judge Levin granted permission to appeal on 9.1.15.
3. Thus the matter came before me on 11.3.15 as an appeal in the Upper

Tribunal.

Error of Law

4. In the first instance I have to determine whether or not there was an error of law in the making of the decision of the First-tier Tribunal such that the determination of Judge Eldridge should be set aside.
5. The grounds of appeal and grant of permission relate to the refusal to grant an appeal of the First-tier Tribunal hearing on 4.11.14.
6. The day before the appeal hearing date the appellant wrote to the Tribunal to request an adjournment. He explained that the day previous to his letter he had fallen down stairs and hurt his back and head. He had attended A&E and attached the hospital notes. He was treated as an outpatient, given advice to take pain-relieving medication if necessary and to see his GP if the matter persisted. He was also advised to rest, avoid walking long distances and avoid carrying heavy things for the next 3-4 weeks. In his letter the appellant said that his legal representative's office in London had been closed and it was "impossible for me to travel all the way to the legal representative Luton office to prepare my bundle for tomorrow hearing as I am suffering from severe pain and discomfort."
7. The application was refused by a First-tier Tribunal Judge, as the information did not indicate that the appellant was unfit to attend the hearing. There was time for him to obtain such evidence before the appeal hearing, but nothing further was submitted. The appellant did not attend the hearing. At the outset of the hearing, his representative Mr Syed-Ali renewed the adjournment application stating that the appellant was indisposed and Mr Syed-Ali was unable to take detailed instructions. The application was opposed. There was no further information or change of circumstances to put before the judge. The First-tier Tribunal Judge considered the application and decided it was in the interests of justice to proceed. The appellant had had ample time to prepare his case since the refusal decision in June 2014 and he had been notified of the hearing as long ago as 6.8.14.
8. In the circumstances of this case, I find no error of law in the decision of the First-tier Tribunal to continue with the appeal hearing in the absence of the appellant. There had been ample time to provide instructions to his representatives, and he was represented at the hearing. There was no evidence before the judge that he was in fact unfit to attend the appeal hearing and such information as had been submitted was unsatisfactory. If the appellant truly was unfit to attend, it would have been possible for him to obtain such evidence.

Conclusions:

9. The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law such that the decision should be set aside.

I do not set aside the decision.

The decision of the First-tier Tribunal stands and the appeal remains dismissed.



Signed:

Date: 11 March 2015

Deputy Upper Tribunal Judge Pickup

Anonymity

I have considered whether any parties require the protection of any anonymity direction. No submissions were made on the issue. The First-tier Tribunal did not make an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

Given the circumstances, I make no anonymity order.

Fee Award

Note: this is not part of the determination.

In the light of my decision, I have considered whether to make a fee award (rule 23A (costs) of the Asylum and Immigration Tribunal (Procedure) Rules 2005 and section 12(4)(a) of the Tribunals, Courts and Enforcement Act 2007).

I have had regard to the Joint Presidential Guidance Note: Fee Awards in Immigration Appeals (December 2011).

I make no fee award.

Reasons: The appeal has been dismissed and thus there can be no fee award.



Signed:

Date: 11 March 2015

Deputy Upper Tribunal Judge Pickup