



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

Appeal number: AA/09931/2008

THE IMMIGRATION ACTS

**Heard at Field House
On 10 February 2016**

**Decision & Reasons Promulgated
On 15 February 2016**

Before

UPPER TRIBUNAL JUDGE GLEESON

Between

YONG HACK JEN

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

NOTICE OF ABANDONMENT

**Pursuant to paragraph 17A of the
Tribunal Procedure (Upper Tribunal) Rules 2008 (as amended)**

1. The appellant, a citizen of the Democratic People's Republic of Korea (North Korea), appealed to the Upper Tribunal against the First-tier Tribunal determination dismissing his appeal against the respondent's decision to set removal directions to the Republic of Korea (South Korea), after refusing him refugee status, humanitarian protection, or leave to remain in the United Kingdom on human rights grounds.
2. Paragraph 17A(1) requires a party to an asylum or immigration case to notify the Upper Tribunal where the appellant has been granted leave to remain. On 13 September 2013, the respondent granted the appellant refugee status. The claim was recorded as determined on 9 March 2009. By a letter dated 27 November 2014 the appellant's solicitors informed the

Upper Tribunal of the respondent's decision, indicating that they had closed the appellant's file.

3. An appeal may be treated as abandoned or finally determined for the reasons set out at section 102(4) and 102(4A)-(4C) of the Nationality, Immigration and Asylum Act 2002 (as amended), which so far as relevant to this appeal are as follows:

“(4A) An appeal under section 82(1) brought by a person while he is in the United Kingdom shall be treated as abandoned if the appellant is granted leave to enter or remain in the United Kingdom (subject to subsections (4B) and (4C)).

(4B) Subsection (4A) shall not apply to an appeal in so far as it is brought on the ground relating to the Refugee Convention specified in section 84(1)(g) where the appellant—

- (a) is granted leave to enter or remain in the United Kingdom for a period exceeding 12 months, and
- (b) gives notice, in accordance with any relevant procedural rules (which may include provision about timing), that he wishes to pursue the appeal in so far as it is brought on that ground. ...”

4. Paragraph 17A(2) requires the Upper Tribunal to send to the parties a notice that the appeal is being treated as abandoned, unless the appellant sends to the Upper Tribunal within 30 days of the grant of leave to remain a notice stating that he wishes to pursue his appeal. No such notice has been received in this appeal.

5. The Upper Tribunal therefore treats this appeal as abandoned.

Date: 2 December 2016 **Signed:** Judith AJC Gleeson
Upper Tribunal **Judge**
Gleeson