



IAC-FH-NL-V1

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

Appeal Number: IA/16079/2015

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 5 April 2016**

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

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE CHANA**

**Between**

**ABDUL RAHEEM MOHAMED  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr M Islam, Solicitor

For the Respondent: Ms A Fijiwala, Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant is a national of India, born on 25 June 1986. He appealed against the respondent's decision dated 9 April 2015. A Judge of the First-tier Tribunal J S Law dismissed the appellant's appeal stating that the appellant had not provided any grounds of appeal. He alluded to Section 15(2)(c) of the Asylum and Immigration Tribunal (Procedure) Rules 2005

that provides that the Tribunal may determine an appeal without a hearing if:

“A party has failed to comply with a provision of these Rules or a direction of the Tribunal and the Tribunal is satisfied that in all the circumstances, including the extent of the failure and any reasons for it, it is appropriate to determine the appeal without a hearing”.

2. The judge was satisfied that as no grounds of appeal were provided and having considered the papers as a whole and in the absence of grounds of appeal, he finds no basis to conclude that the respondent’s decision was not in accordance with the Immigration Rules and the appeal must therefore fail and he accordingly dismissed the appeal.
3. Permission to appeal was at first refused by First-tier Tribunal Judge J M Holmes in a decision dated 22 October 2015 and subsequently granted on 11 February 2016 by Upper Tribunal Judge Gill stating that it is arguable that the judge did not take into account, given that he was not represented, the appellant’s letter dated 12 June 2015 which was sufficient to formulate a ground of appeal which was that the respondent had not provided the appellant with the relevant papers to procure a new sponsor.
4. At the hearing the Home Office Senior Presenting Officer very sensibly submitted that the decision is clearly not in accordance with the law because the respondent has failed in her own policy by not providing the appellant with the certified copies of his documents sufficient for him to obtain a new sponsor. She invited me that I should remit this appeal back to the Secretary of State for her to do the same and give the appellant the necessary time and opportunity to provide a new sponsor. I agreed with the submissions.
5. I therefore find that the decision is not in accordance with the law and that it be remitted back to the Secretary of State awaiting their lawful decision.

### **Notice of Decision**

The appeal is allowed to the limited extent stated above

No anonymity direction is made.

No fee order is made

Signed

Date 8<sup>th</sup> day of April 2016

Deputy Upper Tribunal Judge Chana

**TO THE RESPONDENT**  
**FEE AWARD**

As I have allowed the appeal and because a fee has been paid or is payable, I have considered making a fee award and have decided to make no fee award.

Signed

Date 8 April 2016

Deputy Upper Tribunal Judge Chana