



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

Appeal Number: AA/02374/2015

THE IMMIGRATION ACTS

**Heard at Field House
On 10 August 2017**

**Decision and reasons promulgated
On 13 September 2017**

Before

DEPUTY UPPER TRIBUNAL JUDGE CHANA

Between

[S S]

~~{ANONYMITY DIRECTION NOT MADE}~~

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation

For the appellant: Mr S Pararajasingam of Counsel

For the respondent: Mr C Avery, Senior Presenting Officer

DECISION AND REASONS

1. The appellant appealed against the decision of the respondent dated 26 January 2015 refusing to grant him asylum and humanitarian protection in the United Kingdom. First-tier Tribunal Judge Owens dismissed the appellant's appeal on both grounds.
2. Permission to appeal was at first refused by designated First-tier Tribunal Judge Murray on 11 May 2017 and subsequently granted by Upper Tribunal Judge Grubb on 14 June 2017.

3. At the hearing before me, the senior presenting officer submitted that I have no jurisdiction to hear this appeal because no permission to appeal out of time has been granted to the appellant. He further added that the First-tier Tribunal must decide on this primary issue as to the timeliness of the appeal and in the absence of express permission being granted to appeal out of time, there is no appeal before me to consider.
4. The decision refusing the appellant's application was made in 26 January 2015. The appellant's hearing before the first-tier Tribunal Judge was on 9 June 2015. The appellant's appeal against the decision was not until 28 April 2017, some two years later.
5. There is no dispute that the appellant must ask and be granted permission to appeal out of time. This issue has not been grappled with or decided upon. I agree with the senior presenting officer that it is a preliminary issue which requires a decision. I find, in the circumstances, I have no jurisdiction to hear this appeal. This dispose of this appeal.

DECISION

The appellant's appeal is dismissed as he has no right of appeal

Signed by

A Deputy Judge of the Upper Tribunal

Ms S Chana
September 2017

Dated this 13th day of