



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

Appeal Number: IA/29355/2015

THE IMMIGRATION ACTS

**Heard at Bradford
On 2nd May 2017**

**Decision & Reasons Promulgated
On 11th May 2017**

Before

DEPUTY UPPER TRIBUNAL JUDGE D E TAYLOR

Between

**MUHAMMAD WASEEM AFZAL
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: No appearance

For the Respondent: Mr Diwnycz, Home Office Presenting Officer

DECISION AND REASONS

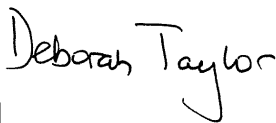
1. This is the appellant's appeal against the decision of Judge Maxwell made following a hearing at Bradford on 29th August 2016.
2. The judge did not believe that there was a valid appeal before her because neither protection nor human rights were raised in the application or at any time before the refusal.

3. The appellant sought permission to appeal. It was granted by Judge Kelly on 19th January 2017. Judge Kelly considered that the respondent had unwittingly misled the Tribunal into believing that there was no valid right of appeal since it was more likely than not that the application was made on 21st August 2014 and accordingly ought to have been dealt with under the old provisions of the 2002 Act.
4. On 3rd February 2017 the Secretary of State accepted that the appellant did have a right of appeal against the decision and that the judge was wrong to say that the appellant was covered by the new Section 82 of the Nationality, Immigration and Asylum Act 2002 which restricts the right of appeal to the Tribunal to cases where the Secretary of State had decided to refuse a protection claim or a human rights claim or where the Secretary of State had decided to revoke the appellant's protection status.
5. The Secretary of State said however that the appellant had recently voluntarily made a departure from the UK. Mr Diwnycz produced evidence of that departure which was on 12th December 2016. His representatives confirmed that Mr Afzal has returned to Pakistan.
6. Accordingly, the appeal is treated as abandoned by virtue of Section 104(4) of the unamended Nationality, Immigration and Asylum Act 2002 because the appellant has left the UK.

Notice of Decision

7. Appeal abandoned.

No anonymity direction is made.



Signed

Date 10 May 2017

Deputy Upper Tribunal Judge Taylor