



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

Appeal Number: PA/01918/2016

THE IMMIGRATION ACTS

**Heard at Field House
On 1st September 2017**

**Decision & Reasons
Promulgated
On 12th September 2017**

Before

DEPUTY UPPER TRIBUNAL JUDGE D E TAYLOR

Between

[X I]

~~(ANONYMITY DIRECTION NOT MADE)~~

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Bonavero of Counsel instructed by Kilby Jones Solicitors

For the Respondent: Mr T Melvin, HOPO

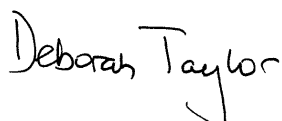
DECISION AND REASONS

1. This is the appellant's appeal against the decision of Judge Abebrese made following a hearing at Taylor House on 2nd December 2016.
2. Mr Melvin accepted that the decision could not stand.
3. The appellant's appeal was listed for hearing in Bradford on 23rd December 2016. She moved to London and asked for her appeal to be transferred. There was a case management hearing at Taylor House on 29th July 2016

and a new notice of hearing was issued for 2nd December 2016 also in Taylor House.

4. That notice of hearing was mislaid by the appellant's representatives.
5. On 12th December 2016 the appellant attended her solicitor's office to prepare for her appeal on the assumption that it would be heard on 23rd December 2016. In the course of that appointment the amended notice of hearing was discovered.
6. The appeal had been heard by Judge Abebrese in the appellant's absence.
7. The solicitors wrote to the Tribunal explaining the situation enclosing the appellant's bundle and asking for the appeal to be relisted so that the appellant could be present. There was no response to that letter.
8. On 23rd December 2016 Judge Abebrese dismissed the appeal. His decision was promulgated on 30th December 2016. No mention was made in that determination of the correspondence of 12th December 2016.
9. An appeal is not concluded until it is promulgated. By the date of the judge's signature and of its promulgation there had been an explanation for the appellant's absence which he did not take into account. It may well be that the correspondence never reached him. Be that as it may the judge failed to take into account relevant evidence and Mr Melvin did not argue that the decision should stand. He accepted that the matter should be reheard in the First-tier Tribunal at Taylor House.
10. The judge erred in law and his decision is set aside. It will be remade at a hearing before a judge other than Judge Abebrese at Taylor House on a date to be fixed.
11. Finally it was brought to my attention that the grounds of application seeking to challenge the decision were served late. Time is extended.

No anonymity direction is made.



Signed

Date 11 September 2017

Deputy Upper Tribunal Judge Taylor