



**Upper Tribunal
(Immigration and Asylum Chamber)
HU/10510/2015**

Appeal Number:

THE IMMIGRATION ACTS

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

**Decision & Reasons
Promulgated
On 25 January 2018**

Before

UPPER TRIBUNAL JUDGE RINTOUL

Between

**ROMAIN MICHAEL GRAY
(ANONYMITY DIRECTION NOT MADE)**

Appellant

And

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Not represented

For the Respondent: Mr Wilding, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The Secretary of State appeals with permission against the decision of First-tier Tribunal Judge I M Scott promulgated on 27 February 2017. The appeal in this case was against a decision of the Secretary of State made on 17 October 2015 to revoke the indefinite leave to remain that had been granted to remain to Michael Gray whom I refer to as the claimant.
2. For reasons which are not clear the decision from the Home Office states that the claimant has a right of appeal under Section 82 of the Nationality,

Immigration and Asylum Act and sets out the permissible grounds. The judge proceeded to determine the appeal on that basis and allowed it.

3. The Secretary of State in her grounds of permission submits that in fact the judge did not have the jurisdiction to hear the case given that since the changes introduced to the 2002 Act by Section 15 of the Immigration Act 2014 which had come into force by the date of the decision. Thus, there was no right of appeal that the decision to revoke indefinite leave was not an immigration decision as defined and thus there was no right of appeal against it.
4. Having considered carefully the Act and the Immigration Act 2014 (Commencement No.3 Transitional and Saving Provisions) Order 2014 as amended I am satisfied that the Secretary of State's case is correct in that the changes brought in by the Immigration Act 2014 did apply to the decision made in this case to revoke indefinite leave to remain and therefore there was no right of appeal against that decision. As there was no right of appeal against the decision the judge did not have the jurisdiction to hear the appeal. In doing so he made a material error of law and on that basis I set aside the decision of the First-tier Tribunal.
5. I must remake the decision and for the reasons I have given I conclude that there was no right of appeal in this case owing to the amendments brought in by the Immigration Act 2014 and therefore the decision that must be substituted in this case is to dismiss the appeal on the basis that there is no jurisdiction in the First-tier Tribunal to hear the appeal.

SUMMARY OF CONCLUSIONS

1. The decision of the First-tier Tribunal involved the making of an error of law and I set it aside.
2. I remake the decision by dismissing it on the basis that the appeal is not a valid appeal.

Signed

Date 27 November 2017



Upper Tribunal Judge Rintoul