



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/12686/2016

THE IMMIGRATION ACTS

Heard at Glasgow
On 2 August 2018

Determination issued
On 10 August 2018

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

KARAMO [T]

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mrs F Farrell, of Peter G Farrell, Solicitors

For the Respondent: Mrs M O'Brien, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. FtT Judge Fox dismissed the appellant's appeal by a decision promulgated on 15 January 2018.
2. The appellant's grounds of appeal to the UT are that:
 - he did not attend the hearing in the FtT because he did not receive notice of it;
 - he "had advised his previous agents who withdrew from acting on his behalf that he had ... changed address";

- had he known the date, he would have attended, and would have called a witness able to speak to his bisexuality;
 - it would have been in the interests of justice to adjourn the hearing to allow the respondent to check the address of the appellant when he next reported to the respondent, being subject to reporting conditions; and
 - the judge erred in not doing so.
3. Mrs Farrell acknowledged that in terms of paragraph 28 of the procedure rules the judge was entitled to proceed if satisfied that the appellant had been notified or that reasonable steps had been taken to notify him of the hearing, and if the judge considered it in the interest of justice to proceed; and that it appeared that notice had been issued to the address which the FtT had on record at the time.
 4. Mrs O'Brien advised from the respondent's records, including the record of the hearing, that the respondent and the judge had checked the address on record, which was the address to which the notice of hearing was issued, and that the appellant did not notify the respondent of a new address, but not until well after the date of the hearing.
 5. There are cases where it looks as if something may have gone wrong, and that an appellant likely to retain an interest in proceedings may have not received notice. If so, judges may take the cautious route suggested by the grounds. There is however no onus on the tribunal to grant that opportunity. On the contrary, an appellant is responsible for keeping the tribunal (and the respondent) up to date with changes of address. It is not for the tribunal (or the respondent) to take on the responsibility.
 6. The appellant says in his grounds that he advised his agents of his change of address. Mrs Farrell confirmed that was only narrative, and no suggestion was made that the appellant had been let down by previous representatives.
 7. The suggestion that there might have been evidence from an (unidentified) witness does not assist the appellant. If any remedy lies in that respect, it must begin with fresh submissions to the respondent.
 8. There are cases where an appellant, through no fault of his own, is not notified of a hearing, and where procedural unfairness occurs even although not apparent to the judge at the time, and through no fault of the judge. However, there are no such circumstances here.
 9. The decision of the First-tier Tribunal shall stand.
 10. No anonymity direction has been requested or made.



2 August 2018
Upper Tribunal Judge Macleman