



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM**  
**CHAMBER**

**Ce-File Number: UI-2022-001009**  
**First-tier Tribunal No: PA/53053/2021**  
**IA/08351/2021**

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On the 01<sup>st</sup> March 2023**

**Before**

**UPPER TRIBUNAL JUDGE MANDALIA**  
**and**  
**DEPUTY UPPER TRIBUNAL JUDGE SHEPHERD**

**Between**

**SSH**  
**(ANONYMITY ORDER MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr Islam, Counsel instructed by Fountain Solicitors

For the Respondent: Mr F Gazge, Senior Home Office Presenting Officer

**Heard at Birmingham Civil Justice Centre on 7 February 2023**

**Order Regarding Anonymity**

**Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant is granted anonymity. No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant. Failure to comply with this order could amount to a contempt of court.**

**DECISION AND REASONS**

1. The appellant is a national of Iraq and of Kurdish ethnicity. He arrived in the United Kingdom on 15 March 2019 and claimed asylum. His claim was refused by the respondent for reasons set out in a decision dated 27 May 2021. The appellant's appeal against that decision was heard by First-tier Tribunal Judge Dixon on 12 November 2021. For reasons set out in his decision dated 10 December 2021, Judge Dixon dismissed the appeal on international protection grounds but allowed the appeal on Article 3 and 8 grounds.
2. The appellant applied for permission to appeal to the Upper Tribunal. Permission was refused by First-tier Tribunal Judge Cartin on 2 March 2022, but granted by Upper Tribunal Judge Sheridan on 25 May 2022, following a renewed application to the Upper Tribunal. The appeal was listed for hearing before us.
3. At the outset of the hearing, Mr Islam submitted the appeal falls to be treated as abandoned by operation of s104(4A) of the Nationality, Immigration and Asylum Act 2002 and rule 17A of The Tribunal Procedure (Upper Tribunal) Rules 2008. He submits the appellant was granted leave to remain in the UK on humanitarian protection grounds on 31 March 2022. He accepts the appellant failed to give notice, in accordance with Tribunal Procedure Rules, that he wishes to pursue the appeal on the ground that removal of the appellant from the United Kingdom would breach the United Kingdom's obligations under the Refugee Convention. Mr Islam confirmed the appellant's representatives have not sent or delivered the required notice to the Upper Tribunal and the respondent, so that it is received within thirty days of the date on which the notice of the grant of leave to remain in the United Kingdom was sent to the appellant. He accepts the Upper Tribunal must not extend the time limits.
4. Mr Islam confirmed the appellant is aware that for all intents and purposes, his appeal against the respondent's decision to refuse his claim under the Refugee Convention stands dismissed for the reasons given by Judge Dixon. The appellant does however have the benefit of a grant of leave to remain, and he is content with that.

### **Notice of Decision**

5. The appeal is treated as abandoned.

**V. Mandalia**

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

7 February 2023