



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2021-000648
First-tier Tribunal No:
EA/00450/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 08 July 2024

Before

UPPER TRIBUNAL JUDGE KEITH
DEPUTY UPPER TRIBUNAL JUDGE COTTON

Between

JELENA RASKOVIC DOS SANTOS
(NO ANONYMITY ORDER MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Litigant in person

For the Respondent: Ms S McKenzie, Senior Home Office Presenting Officer

Heard at Field House on 25th June 2024

DECISION AND REASONS

1. These written reasons reflect the full oral decision which we gave to the parties at the end of the hearing.

What the Appellant is seeking

2. We began the hearing by asking the appellant the outstanding nature of her appeal. This was because she has already been granted indefinite leave to remain, which was relevant to whether, as a consequence, her appeal should be treated as abandoned (to the extent that it ever existed) by virtue of Regulation 13(3) of the Immigration (Citizens' Rights Appeals) Regulations 2020 (the 'Regulations'). Without criticism of the appellant, who is a litigant in person, she said that she had advice from a local law centre and the only issue which she wanted us to consider was whether she should be awarded her costs. These costs were her spending over the years on various applications. We explained that in relation to statutory appeals, usually even a winning party is not awarded their costs, beyond the appeal fee in the First-tier Tribunal. The one notable

exception is where a party's conduct of the litigation has been unreasonable. We asked the appellant whether there was any other question or issue she wished us to consider, specifically about whether Judge Veloso of the First-tier Tribunal, who had dismissed her appeal, had erred in law. She indicated that she had no other comments to make.

Our decision on the error of law

3. We briefly canvassed with Ms McKenzie whether she wished to respond on any particular points. She had nothing to add in relation to the question of fees and she briefly outlined the Rule 24 response, which was that the Judge was unarguably correct in deciding that she had no jurisdiction to hear the appeal. The reason for this was the timing in relation to the appellant's first application, which she had made before the relevant date of 31st January 2020 and in respect of which the respondent made a decision before 8th May 2023. The appellant's application was therefore not a "relevant application" in respect of which an appeal arose under Regulation 3 of the Regulations.
4. We are satisfied that the Judge did not err in law in dismissing the appeal for the reasons she set out and reiterated by Ms McKenzie. The appellant has made no representations, nor is there anything obvious, to counter that reasoning, such that there was an error of law. We pause to observe that in any event, the appellant has obtained indefinite leave to remain, so that any appeal, had there been jurisdiction, would appear to have been abandoned, but it is unnecessary to decide this. This was something that Judge Rimington advised the appellant to consider at a previously adjourned hearing.

Our decision on costs

5. We return to the question of costs, which was the only question which the appellant asked us to consider. There is no basis on which to make any fee award, bearing in mind that Judge Veloso did not err in law in dismissing the appellant's appeal. We have no power in a statutory appeal to award general costs outside litigation costs and there is no basis for concluding that the respondent's conduct of the litigation has been unreasonable.

Notice of decision

The appeal fails and is dismissed. Judge Veloso's decision promulgated on 27 July 2021 stands.

We refuse the appellant's application for costs.

J Keith

Judge of the Upper Tribunal
Immigration and Asylum Chamber

4th July 2024