



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM
CHAMBER

Case No: UI-2022-001658
First-tier Tribunal No:
PA/02898/2020

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 29 January 2024

Before

DEPUTY UPPER TRIBUNAL JUDGE CHAPMAN

Between

MR VK
(ANONYMITY ORDER MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation

For the Appellant: No appearance

For the Respondent: Mr M. Parvar, senior Home Office Presenting Officer

Heard at Field House on 19 January 2024

DECISION AND REASONS

1. This appeal previously came before the Upper Tribunal on 29 September 2023 for consideration of whether or not there is an error of law in the decision and reasons of FtTJ Wylie promulgated on 6 December 2021, dismissing the Appellant's appeal against a decision of the Respondent made on 9 March 2020 refusing his application for leave to remain on international protection and human rights grounds.
2. The Appellant through his representatives, Khokar Solicitors, sought and obtained permission to appeal to the Upper Tribunal, permission to appeal being granted by First tier Tribunal Judge Scott-Baker on 12 April 2022.

3. At the hearing before the Upper Tribunal there was no appearance by or on behalf of the Appellant. My clerk telephoned the Appellant's solicitors, who were still listed as being on record as his representatives, only to be informed in a recorded message that they had closed down.
4. Mr Tufan, the Presenting Officer on that occasion, stated that the Appellant had sought to make a fresh application however, he had not yet paid the Immigration Health Charge of £1560 and so it had not yet been accepted as a valid application.
5. In those circumstances, given that the Appellant is a national of Ukraine and had not indicated that he has abandoned his appeal, I adjourned the appeal in the interests of justice pursuant to paragraph 2(2)(c) of the Tribunal Procedure (Upper Tribunal) Rules 2008 in order to ensure that the Sponsor would be able to participate in the hearing.
6. Directions were issued requesting that the Sponsor either attend the hearing before the Upper Tribunal on the next occasion or in the alternative, to communicate any decision not to pursue his appeal further.
7. The notice of hearing for the resumed appeal before the Upper Tribunal was sent to the Appellant at the last known address on file and a copy sent to the solicitors intervening in the closure of his former solicitors' firm.
8. There was no appearance on or behalf of the Appellant on 19 January 2024. Mr Parvar stated that there was ongoing correspondence between the Appellant and the Home Office with regard to an outstanding human rights application based on his private and family life in the United Kingdom.
9. In those circumstances, given that the Sponsor is not prosecuting the extant appeal, I dismiss the appeal on the basis that it is treated as abandoned pursuant to rule 17A of the Tribunal Procedure (Upper Tribunal) Rules 2008.

Rebecca Chapman

Deputy Upper Tribunal Judge Chapman

19 January 2024