



**Upper Tribunal
(Immigration and Asylum Chamber)**

Appeal Number: AA/07517/2013

THE IMMIGRATION ACTS

**Heard at Field House
On 26 June 2014**

**Determination Sent
On 2 July 2014**

Before

DEPUTY UPPER TRIBUNAL JUDGE APPLEYARD

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**MR SK
(ANONYMITY DIRECTION MADE)**

Respondent

Representation:

For the Appellant: Mr. L. Tarlow, Home Office Presenting Officer.
For the Respondent: Mr. N. Paramjorthy, Counsel.

DECISION

1. This is a respondent appeal but I shall henceforth refer to the parties in the original terms detailed in the determination of Judge of the First-tier Tribunal N. M. K. Lawrence following a hearing on 27 January 2014.
2. Therein an anonymity direction was made. I direct that it continues for the reasons given.

3. The judge allowed the appellant's appeals on all bases.
4. The respondent sought permission to appeal. That initial application was decided by Judge of the First-tier Tribunal Chohan who decided on 13 March 2014 that the determination disclosed no arguable error of law.
5. The respondent renewed the application which was then considered by Upper Tribunal Judge Allen on 29 April 2014 who gave permission to appeal. His reasons were:-

"On balance it is arguable that the judge erred both in respect of the conclusions he came to as to exclusion and also (although this is more marginal still) with regard to risk on return."

Upper Tribunal Judge Allen did not deal with the issue of timeliness. I treat his decision as a conditional grant pending the issue of timeliness being determined.

6. Before me both representatives agreed that it was incumbent upon the respondent to lodge the renewed application for permission to appeal no later than 26 March 2014. It was not received by the Tribunal until 31 March 2014.

7. The written explanation for the late filing of the application states:-

"The Secretary of State seeks an extension of time as due to the nature of the case (exclusion) it was necessary to seek the views of a number of people in deciding whether or not the permission application was renewed."

8. Mr. Tarlow could offer no explanation beyond that contained within the application itself for the application being filed out of time.
9. I can only extend time and admit the application if I consider that in the interests of justice it is just to do so. The respondent's delay is not justified by the explanation given and accordingly I do not admit the application.

Decision

10. The permission to appeal application is not admitted.

Signed
Deputy Upper Tribunal Judge Appleyard

Date 30 June 2014.