



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

Appeal Number: AA/10133/2008

THE IMMIGRATION ACTS

Heard at Field House

On 10 April 2014

**Oral determination given following the
hearing**

Determination

Promulgated

On 1 May 2014

Before

UPPER TRIBUNAL JUDGE CRAIG

Between

ZAZAI KUCHIEY

and

Appellant

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr A Bandegani, Counsel, instructed by Sultan Lloyd
Solicitors

For the Respondent: Mr P Nath, Home office Presenting Officer

DETERMINATION AND REASONS

1. The appellant is a citizen of Afghanistan whose date of birth was uncertain but it has been accepted by an Immigration Tribunal that at relevant times he was a minor.
2. It is not necessary for me to record in any detail the history of this appeal, save to say that the appellant applied for asylum, that application was refused by the respondent and the appellant appealed. Following various hearings, by order of the Court of Appeal, made on or about 30 June 2010, the Court of Appeal ordered that the appellant's appeal be allowed.
3. For reasons which are not at all clear, the appeal nonetheless remained pending before this Tribunal, although nothing was done by any party or by this Tribunal to ensure that it came for hearing until very recently, as a result of which the appeal was listed before me today.
4. It is now common ground that subsequent to the decision of the Court of Appeal, this appellant has been granted refugee status and I have been provided with a document confirming that this is the position.
5. I am very grateful to Mr Bandegani, Counsel representing the appellant today, for obtaining this document so that this appeal can finally be disposed of.
6. It is apparent from this document that the grant of refugee status was backdated by the respondent to cover the relevant period when this application was still pending.
7. By virtue of Section 104(4A) of the Nationality, Immigration and Asylum Act 2002, it is provided that an appeal under Section 82(1) of that Act [which this appeal is] brought by a person while he is in the United Kingdom "shall be treated as abandoned if the appellant is granted leave to enter or remain in the United Kingdom" (subject to other sub-Sections which do not apply in this case).
8. As this appeal is still technically before the Court, and as the appellant has been granted leave to remain (which accompanied the grant of refugee status), it follows that this appeal now must be treated as, technically, abandoned and I so find.

Signed:

Date: 22 April 2014

Upper Tribunal Judge Craig