



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: IA/20883/2012

THE IMMIGRATION ACTS

Heard at Glasgow
On 25 February 2014

Determination Promulgated
On 2 April 2014

Before

UPPER TRIBUNAL JUDGE DEANS

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

And

MR OLUWAJOBA MICHAEL OLOBA

Respondent

Representation:

For the Appellant: Mr M Matthews, Home Office Presenting Officer
For the Respondent: Mr T Maleque, Bruce Short Solicitors

NOTICE OF ABANDONMENT

- 1) This is an appeal with permission by the Secretary of State against a decision by Judge of the First-tier Tribunal Balloch allowing the appeal. At issue before the First-tier Tribunal was whether the appellant was entitled to 15 points under Table 10 of Appendix A for having made his application for leave to remain within 12 months of obtaining his relevant qualification of the award of a degree. The application was originally made on 3 April 2012 but the degree was awarded on 30 May 2012. The Judge of the First-tier Tribunal found that the appellant was entitled to the 15 points claimed under Table 10 of Appendix A.

- 2) The Secretary of State appealed to the Upper Tribunal but the appeal was dismissed with reference to the Decision of the Upper Tribunal in Khatel [2013] UKUT 00044. The Secretary of State then sought permission to appeal to the Court of Session in the light of the decision of the Court of Appeal in Raju [2013] EWCA Civ 754, reversing Khatel. The hearing was relisted before the Upper Tribunal for review in terms of rule 45(1)(b) of the Tribunal Procedure (Upper Tribunal) Rules 2008 to decide whether its decision should be set aside and re-made.
- 3) Prior to the relisted hearing before the Upper Tribunal a letter dated 19 February 2014 was received from the appellant's solicitors stating that the appellant had left the United Kingdom and it was anticipated that his appeal would therefore be treated as abandoned.
- 4) Notwithstanding that the appellant before the First-tier Tribunal is now the respondent before the Upper Tribunal, I find that the appeal is to be treated as abandoned through the appellant having left the UK in terms of section 104(4) of the Nationality, Immigration and Asylum Act 2002 and rule 17A of the Tribunal Procedure (Upper Tribunal) Rules 2008.

Signed

Date

Judge of the Upper Tribunal