



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

Appeal Numbers: IA/29808/2013
IA/29814/2013
IA/29818/2013

THE IMMIGRATION ACTS

**Heard at Field House
On 16 July 2014**

**Determination
Promulgated
On 22 July 2014**

Before

**THE HONOURABLE MR JUSTICE LEWIS
UPPER TRIBUNAL JUDGE KEBEDE**

Between

**MR RAVINDER BATT
MRS MAHAK SHARMA
MR JASHNEET BATT**

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Mr J Waithe, Counsel
For the Respondent: Mr C Avery, Home Office Presenting Officer

DETERMINATION AND REASONS

1. These are three appeals brought by the appellants against a decision of the First-tier Tribunal promulgated on 25 March 2014. By that decision the First-tier Tribunal dismissed an appeal against decisions of the respondent

who had refused them leave to remain in the United Kingdom and also included a decision to remove them from the United Kingdom. The three appellants appealed against the decision of the First-tier Tribunal.

2. Permission to appeal was granted in relation to one point only, namely that the decision refusing leave to remain and the decision that the appellants should be removed were both included in the same document and were made at the same time. It was said that that was contrary to the former provision contained in Section 47 of the Immigration, Asylum and Nationality Act 2006. Under the old law if that were the case a decision to remove would it seems be invalid.
3. Here, however, the decisions were all taken after 8 May 2013 and the significance of that date is this. Section 51 of the Crime and Courts Act 2013 came into force on 8 May 2013. It substituted a new Section 47 for the old Section 47 and under the new 47 where the Secretary of State gives notice of a decision refusing to vary a person's leave to enter or remain in the United Kingdom the Secretary of State may also at the same time give notice of a decision that the person is to be removed from the United Kingdom. That Act applies to decisions taken after it came into force, that is decisions after 8 May 2013. In those circumstances this appeal must have failed.
4. Mr Waithe on behalf of the Appellants very fairly and reasonably conceded at the outset that these decisions were all taken on 7 July 2013, at a time when the new Section 47 was in place, and under the new Section 47 it was permissible to include both the decision to refuse leave to remain and the decision to remove.
5. I would pay tribute to Mr Waithe for the very sensible way in which he accepted that immediately at the outset of this appeal and we are grateful to him for the assistance that he has given to the Tribunal today but for those reasons this appeal is dismissed.

Signed

Date

Mr Justice Lewis