



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

Appeal Number: IA/02536/2015

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 14 October 2015**

**Promulgated**

**Decision and Reasons  
On 18 November 2015**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE CHANA**

**Between**

**MISS TASHMI ASHIKA T WITHANAGE  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: no appearance

For the Respondent: Mr A Holmes, Senior Presenting Officer

**DECISION AND REASONS**

1. The appellant is a citizen of Sri Lanka born on 17 November 1986. She appealed to the First-tier Tribunal against the decision of the respondent to refuse her further leave to remain in the United Kingdom on the basis of her private life in the United Kingdom.
2. First-tier Tribunal Judge Kempton in a determination dated 22 May 2015 dismissed the appellant's appeal under the Immigration Rules. Permission to appeal was granted by First-tier Tribunal Judge Dineen dated 5 August 2015 saying that it is arguable that the documents that the appellant stated that she submitted her supporting documents on 2 May and documents may have gone astray and therefore there are arguably grounds of appeal.

3. Thus the appeal came before me
4. The appellant did not attend the hearing on 14 October 2015. The hearing notice was served on her on 18 September 2015. The appellant was given 60 days in which to produce documents as to her new sponsor and she did not do so. She did not attend her appeal and therefore could not be questioned as to how she submitted her documents and whether she had duplicates.
5. The Judge in his determination noted that on 12 March 2015 the appellant had submitted a letter with a medical certificate seeking an adjournment of her paper hearing. The medical certificate dated 9 March 2015 stated that the appellant had “flu-like illness and backache”. It stated that the condition would mean she would not be fit for work for two weeks. In her letter the appellant said that she was not well enough to send in her documents by 18 March 2015 and she sought an adjournment of hearing. She did not say in the letter that it was a paper hearing. She did not seek an oral hearing.
6. The Judge noted that the hearing date was 18 May 2015 which was two calendar months after the date given by the appellant in her letter of 12 March 2015. The appellant therefore has not produced any further documents and has not clarified anything about her appeal, which seems to relate to having been given an extra 60 days in which to find a new sponsor. She has not produced new evidence about any new sponsor. In all the circumstances the judge said he can only conclude that she has been unable to find a suitable sponsor and therefore her appeal cannot succeed. The Judge further noted that the appellant has not produced evidence of a private life in the United Kingdom and that he does not know anything about her at all.
7. The grounds granting permission is only in respect of whether the documents went astray. The Judge has given credible reasons for finding why the appellant does not meet the requirements of the Immigration Rules or Article 8. The appellant by not appearing at the hearing or sending documents has demonstrated that she has nothing further to add to her appeal.
8. I therefore uphold the determination of First-tier Tribunal Judge as not being materially erroneous in law.

## **DECISION**

The appellant’s appeal is dismissed

Signed by

Mrs S Chana

Deputy Upper Tribunal Judge  
2015

15<sup>th</sup> day of November