



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

Appeal Number: IA/28729/2014

**THE IMMIGRATION ACTS**

**Heard at Birmingham  
on 5<sup>th</sup> May 2015**

**Determination  
Promulgated  
On 6<sup>th</sup> May 2015**

**Before**

**UPPER TRIBUNAL JUDGE HANSON**

**Between**

**SUMAN GODARA  
(Anonymity direction not made)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: No appearance.

For the Respondent: Mr Smart – Senior Home Office Presenting Officer.

**DETERMINATION AND REASONS**

1. This is an appeal against a determination of First-tier Tribunal Judge J S Pacey promulgated on the 18<sup>th</sup> November 2014 in which the Judge dismissed the Appellants appeal against the refusal of her application for leave to remain as a spouse.

2. Permission to appeal to the Upper Tribunal was granted on 7<sup>th</sup> January 2015.
3. The Appellant failed to attend the hearing. Mr Smart advised the Tribunal that following the making of a fresh application in January 2015 leave has been granted. The Respondents case management screen print reveals a data entry "Applicant has made a new FLM application, on this application she states she wished to withdraw the appeal she has outstanding" although no request to withdraw has been received from the Applicant by the Tribunal.
4. As the Appellant failed to attend to pursue her appeal against the decision of Judge Pacey and as there is no obvious basis for finding the Judge made an error of law material to her decision to dismiss the appeal, this appeal is dismissed.

**Decision**

5. **There is no material error of law in the First-tier Tribunal Judge's decision. The determination shall stand.**

Anonymity

6. The First-tier Tribunal did not make an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005. I make no such order.

Signed.....

Upper Tribunal Judge Hanson  
Dated the 6<sup>th</sup> May 2015