



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

Appeal Number: IA/51835/2013

THE IMMIGRATION ACTS

**Heard at Field House
On 26 March 2015
Prepared 26 March 2015**

**Determination Promulgated
On 27 March 2015**

Before

DEPUTY UPPER TRIBUNAL JUDGE DAVEY

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

MR MUHAMMAD AHMAD SHAHID

Respondent

Representation:

For the Appellant: Mr P Nath, Senior Presenting Officer

For the Respondent: None

Memorandum of Hearing

1. The Appellant is referred to as the Secretary of State and the Respondent is referred to as the Claimant.
2. The Claimant, a national of Pakistan, date of birth 4 March 1988, appealed against a decision of the Secretary of State to refuse a Tier 4 PBS visa on 4 October 2013.
3. At a hearing the matter came before First-tier Tribunal Judge Boardman on 24 November 2014. The judge was unaware that the Claimant had left the

UK on or about 16 September 2014 and had signed a form IS.101 confirming the withdrawal of his appeal. In ignorance of that matter the judge proceeded to hear and allow the appeal. There was no appeal for the Original Tribunal to determine: The appeal having been abandoned by operation of law (Section 104(4) NIAA 2002 as amended and as saved by the Immigration Act 2014 (T&SP) commencement Order No. 3) The Original Tribunal's decision was a nullity. The grant of permission by First-tier Tribunal judge Ford, on 24 January 2015, was a nullity.

4. The fee award made by the judge is also a nullity
5. In those circumstances there was no appeal before the First-tier Tribunal on 24 November 2014 and there is no decision to appeal.

Signed

Date 26 March 2015

Deputy Upper Tribunal Judge Davey