



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

Appeal Number: AA/00243/2015

**THE IMMIGRATION ACTS**

**Heard at Field House**

**On 18 January 2016**

**Decision and Reasons  
sent on:**

**On 20 January 2016**

**Before**

**UPPER TRIBUNAL JUDGE STOREY**

**Between**

**MR LYES GAMAR**

**and**

Appellant

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

Respondent

**Representation:**

For the appellant: Mr D Aihe, Legal Representative, Wisestep  
For the respondent: Mr P Duffy, Home Office Presenting Officer

**DECISION AND REASONS**

1. On 1 October 2015 First-tier Tribunal Judge McWilliam dismissed the appellant's appeal against a decision dated 11 December 2014 refusing the appellant's protection claim. Unbeknown to the judge, the respondent on 14 January 2015 had in fact withdrawn her decision and promised to make a fresh one. In such circumstances the judge's determination cannot stand as she had no jurisdiction under the Asylum and Immigration Tribunal (Procedure) Rules 2005 Procedure then in force to determine the appeal.

2. For the above reasons the decision of the First-tier Tribunal is set aside and I re-make it by concluding that the effect of the withdrawal of the respondent's decision is that there was (and is no) appeal before the tribunal.

Signed

Date:

Judge of the Upper Tribunal