



**The Upper Tribunal  
(Immigration and Asylum Chamber)  
AA/00239/2016**

**Appeal number:**

**THE IMMIGRATION ACTS**

**Heard at: Birmingham  
Employment Tribunal  
On: 19 June 2017**

**Notice sent:  
On 27 June 2017**

**Before**

**UPPER TRIBUNAL JUDGE KEBEDE**

**Between**

**[A M]**

**Appellant**

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

**Respondent**

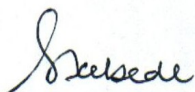
**NOTICE OF ABANDONED APPEAL**

**Pursuant to Rule 17A(2) of The Tribunal Procedure (Upper Tribunal) Rules 2008 and Section 104(4A) of The Nationality, Immigration and Asylum Act 2002**

1. The appellant, a citizen of Afghanistan, appealed against the respondent's decision of 22 January 2016 to refuse his protection claim. His appeal was dismissed by the First-tier Tribunal in a decision promulgated on 28 September 2016. Permission to appeal that decision to the Upper Tribunal was granted on 24 October 2016.
2. On 18 November 2016 the appellant was granted discretionary leave until 18 May 2019. At a hearing on 7 April 2017 the respondent produced the letter of grant of leave and submitted that the appeal was to be treated as abandoned since no notice of intention to proceed with the appeal had been received. The matter was adjourned for the appellant to consider his position and on 20 April

2017 the appellant gave written notice that he wished to continue the appeal and asked that his notice be accepted out of time.

3. On 4 May 2017 Upper Tribunal Judge Canavan admitted the notice out of time and granted permission for the appellant to continue the appeal. The appeal was then listed for hearing.
4. At the hearing before me Ms Manning, representing the appellant, conceded that Judge Canavan had had no power to extend time and that the appeal had been abandoned after 30 days, pursuant to Rule 17A of the Tribunal Procedure (Upper Tribunal) Rules 2008.
5. Accordingly, and with the agreement of both parties, for the appellant and respondent, the appellant's appeal against the respondent's decision of 22 January 2016 is to be treated as abandoned under section 104(4A) of the 2002 Act.
6. In accordance with the requirements of paragraph 17A(2) of The Tribunal Procedure (Upper Tribunal) Rules 2008, the Tribunal hereby notifies the parties that the appeal is therefore treated as abandoned. That is the end of the matter before the Tribunal.

Signed:   
Upper Tribunal Judge Kebede

Dated: 20 June 2017