



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

Appeal Number: IA/02396/2016

THE IMMIGRATION ACTS

Heard at Field House

**Decision & Reasons
Promulgated**

On 5 September 2017

On 14 September 2017

Before

UPPER TRIBUNAL JUDGE ALLEN

Between

**SAJID MAQSOOD
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms J Victor-Mazeli (Counsel)

For the Respondent: Mr D Clarke, Senior Home Office Presenting Officer

DECISION AND REASONS

1. This is the appeal of Mr Maqsood against the decision of the First-tier Judge on 14 December 2016 who dismissed his appeal against the respondent's decision of 22 July 2016 refusing his application for leave to remain as a Tier 4 Student. The judge noted that directions had been issued on 20 September to Mr Maqsood requiring him to submit his grounds of appeal by 27 September 2016. The judge recorded that as at the date of this decision no grounds had been lodged. The Tribunal's

directions were addressed to Mr Maqsood at the address given in the notice of appeal. The judge concluded that there had been a failure to comply with the grounds, and that it was not inappropriate to determine the appeal without a hearing and the judge therefore did so and dismissed the appeal. Unknown to the judge in fact under cover of an e-mail on 27 September 2016 Mr Maqsood had sent in grounds to the Tribunal, those grounds dated 26 September, and that was subsequently acknowledged in an e-mail of 29 September. The acknowledgment of course comes after the date by which the grounds had to be submitted but the key date is the date on the e-mail on 27 September 2016 from which it is clear that grounds were submitted in accordance with the directions and the judge therefore (I do not attach any blame to her for this and the grounds clearly were not in front of her) decided the appeal without seeing Mr Maqsood's grounds. That was an error of law and therefore the appeal will have to be reheard by a First-tier Judge taking into account those grounds of appeal.

Notice of Decision

The appeal is allowed.

No anonymity direction is made.



Signed

Date

Upper Tribunal Judge Allen