



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/09306/2017

THE IMMIGRATION ACTS

Heard at Bradford  
On 21 June 2018

Decision & Reasons Promulgated  
On 22 June 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE SAFFER

Between

MRH  
(ANONYMITY ORDER MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: None

For the Respondent: Mr Diwyncz a Home Office Presenting Officer

DECISION AND REASONS

Preliminary matters

1. Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) I make an anonymity order. Unless the Upper Tribunal or a Court directs otherwise, no report of these proceedings or any form of publication thereof shall directly or indirectly identify MRH. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to Contempt of Court proceedings. I do so in order to preserve the anonymity of MRH as this is a protection claim.
2. No one had attended for the Appellant by the time the matter was called on at 11.30. He did not attend. I checked the file. The notice of hearing had been sent to

him and his representative at the addresses they gave for residence/service notifying them of the date, time, and venue of the hearing. I could identify no reason why it would be unfair not to proceed to hear this application and I did so in accordance with Rule 38 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269).

### Background

3. The Respondent refused the application for asylum or ancillary protection on 25 August 2017. His appeal against this was dismissed by First-tier Tribunal Judge Hindson (“the Judge”) following a hearing on 26 October 2017.

### The grant of permission

4. Judge Keane granted permission to appeal (8 December 2017). He decided it is arguable that the Judge materially erred in failing to consider why the Appellant had been unable to obtain a medical report to confirm his ill health and consequent absence from the hearing, and that accordingly the Judge acted unfairly in not adjourning the hearing.
5. Judge Keane also decided that in not following the structured approach identified in Razgar v SSHD [2004] UKHL 27, it was arguable that the Judge materially erred in considering the severity, consequences, and proportionality of the Appellant’s removal from the United Kingdom.

### Respondent’s position

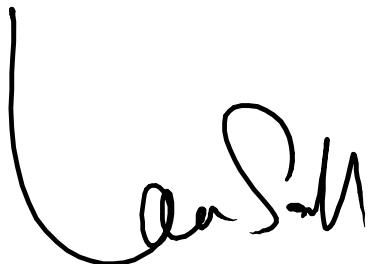
6. No rule 24 notice was issued. Mr Diwyncz submitted that the Judge was aware of the reason for the lack of medical report, and that the judgement was adequate.

### Discussion

7. There is no merit in ground 1. The Judge was aware of the reason for the lack of the medical report as he explained it in [7 and 30]. There was nothing unfair in him proceeding to hear the appeal in the absence of the Appellant.
8. There is no merit in ground 2. The Judge was aware the Appellant had been here since 2013 (aged 45) and that for most of that time he had been here illegally [35] as he came as a visitor [23] and did not make any application for permission to stay on any basis until 2 March 2017 [18]. The Judge was aware of his minor health ailments [30], and that it was found at his visit visa appeal in April 2013 that he had been established in Bangladesh with a successful corner shop business, and his wife and children were there [23]. The Judge noted that the Appellant had not explained what private or family life he had here [35]. In those circumstances he had failed to establish that he had private or family life rights here that were engaged. Accordingly, the Judge did not need to slavishly go through the rest of the Razgar approach.

Decision:

The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.

A handwritten signature in black ink, appearing to read 'L. Saffer', written in a cursive style.

Deputy Upper Tribunal Judge Saffer  
21 June 2018