



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

Appeal Number: PA/09913/2016

THE IMMIGRATION ACTS

**Heard at Manchester Piccadilly
On 19 March 2018**

**Decision and Reasons Promulgated
On 27 March 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE BIRRELL

Between

**MAHMOOD BAKHSHOODI
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Sadiq of Adam Solicitors

For the Respondent: Mrs Obomi Senior Home Office Presenting Officer

DECISION AND REASONS

Introduction

1. I have considered whether any parties require the protection of an anonymity direction. No anonymity direction was made previously in respect of this Appellant. Having considered all the circumstances and evidence I do not consider it necessary to make an anonymity direction.
2. The Appellant was born on 10 February 1969 and is a national of Iran.

3. In order to avoid confusion, the parties are referred to as they were in the First-tier Tribunal.
4. The Appellant appealed against the decision of the Secretary of State dated 8 September 2016 to refuse to grant an application for protection status. First-tier Tribunal Judge Malik dismissed the appeal and the Appellant now appeals with permission to this Tribunal.
5. The Appellant did not attend. Mrs Obomi produced a screenshot from the Respondents database to show that the Appellant had departed the UK voluntarily on 5 March 2018 from Heathrow.

The Law

6. The Nationality Immigration and Asylum Act 2002 s92(8) provides as follows:

“(8) Where an appellant brings an appeal from within the United Kingdom but leaves the United Kingdom before the appeal is finally determined, the appeal is to be treated as abandoned unless the claim to which the appeal relates has been certified under section 94(1) or (7) or section 94B.”

7. Section 104 (2) provides:

“(2) An appeal under section 82(1) is not finally determined for the purpose of subsection (1)(b) while -

(a) an application for permission to appeal under section 11 or 13 of the Tribunals, Courts and Enforcement Act 2007 could be made or is awaiting determination,

(b) permission to appeal under either of those sections has been granted and the appeal is awaiting determination.”

CONCLUSION

8. **I am satisfied that by his voluntary departure from the UK the Appellant has abandoned his undetermined appeal.**
9. **No further action is required by the Tribunal.**

DECISION

10. **The appeal is abandoned**

Signed

Date 25.3.2018

Deputy Upper Tribunal Judge Birrell