



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

Appeal Number: HU/15133/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 30 May 2019**

**Decision & Reasons Promulgated
On 22nd August 2019**

Before

DEPUTY UPPER TRIBUNAL JUDGE CHANA

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**MR VAN TUAN TO
(ANONYMITY DIRECTION NOT MADE)**

Respondent

Representation:

For the Appellant: Mr E Tufan, Home Office Presenting Officer

For the Respondent: Miss Monica-Mac, Solicitor

DECISION AND REASONS

1. This is an appeal by the Secretary of State for the Home Department. The appellant is a citizen of Vietnam born on 8 August 1990. However for the sake of convenience I shall continue to refer to them as they were referred to before the First-tier Tribunal.
2. A First-tier Tribunal Judge in a decision dated 7 March 2019 allowed the appellant's appeal under the Immigration Rules. Permission to appeal was granted by First-tier Tribunal Judge Parkes in a decision dated 23 April 2019 where he stated that the grounds appeared to be made out in that there was no decision before the judge for him to have considered

because the appellant had left the country during his appeal and therefore his appeal is deemed abandoned.

3. At the hearing it was accepted by the appellant's counsel that the appellant voluntarily left the United Kingdom on 12 September 2018 due to what he said was his mother's ill-health. Section 92(8) of the Nationality, Immigration and Asylum Act 2002 applies because Section 8 says that 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 under Section 94(b).
4. There was no issue before me at the hearing as there was no appeal before First-tier Tribunal Judge McIntosh to determine. I therefore allow the respondent's appeal.

Notice of Decision

5. The respondent's appeal is allowed.
6. No anonymity direction is made.

Signed

Date 10th day of June 2019

Deputy Upper Tribunal Judge Chana

TO THE RESPONDENT
FEE AWARD

No fee award is made. No anonymity direction is made

Signed

Date 10th day of June 2019

Deputy Upper Tribunal Judge Chana