



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM
CHAMBER

Case No: UI-2022-001863
First-tier Tribunal No: HU/52978/2021
IA/12244/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 24 March 2023

Before

UPPER TRIBUNAL JUDGE PERKINS

Between

AMITHA VERGHESE KEERAMKUZHIYIL

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: The Appellant did not appear and was not represented.
For the Respondent: Mr S Walker, Senior Home Office Presenting Officer.

Heard at Field House on 18 January 2023

DECISION AND REASONS

1. This is an appeal by a citizen of Sri Lanka against a decision of the First-tier Tribunal dismissing her appeal against a decision of the respondent refusing her leave to remain on human rights grounds.
2. The gist of the grounds of appeal to the Upper Tribunal is that the Judge was wrong to find that the Appellant had not lost status because she was an ETS cheat. The Appellant's case is that is precisely what did happen and she should be put in the position that she would have been in had she not been identified wrongly as a cheat.
3. The judge found that she was not a cheat
4. She was represented before the First-tier Tribunal by counsel and solicitors who settled detailed grounds of appeal that they were permitted to argue.

5. I was, therefore, surprised that the Appellant did not appear and was not represented at about 11:50 when it was convenient to hear the appeal.
6. Checks showed that although the Notice of Hearing had been sent the Tribunal had received no explanation for her not attending
7. Her representatives could only be contacted by e-mail and, as an immediate response was needed, I instructed my clerk not to contact them.
8. Mr Walker wondered if the Appellant had been given leave although he was careful to say that he found no trace of that when he looked yesterday. If that has happened then the parties should have notified the Tribunal.
9. In all the circumstances I find that the Appellant has proper notice of the hearing and has provided no explanation for her absence. As she is not here to argue her case I have decided to dismiss the appeal.

Notice of Decision

10. This appeal is dismissed

Jonathan Perkins

Judge of the Upper Tribunal
Immigration and Asylum Chamber

18 January 2023