



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

Appeal Numbers: AA/02482/2013
AA/02483/2013

THE IMMIGRATION ACTS

**Heard at Field House
On 11th December 2014**

**Determination Promulgated
On 31st March 2015**

Before

UPPER TRIBUNAL JUDGE REEDS

Between

**KT - FIRST APPELLANT
TK - SECOND APPELLANT**

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

1. The appellants, citizens of Sri Lanka born on 17 June 1986 and 11 May 1986 respectively and are husband and wife. They appeal against a decision of Judge of the First-tier Tribunal Baldwin who, in a determination dated 7 November 2013 dismissed the appellants' appeals against a decision of the Secretary of State to refuse to grant asylum to the first appellant and to refuse to grant leave to remain as the first appellant's dependant to the second appellant.
2. Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellants have been granted anonymity throughout these proceedings and after

their conclusion, absent any order to the contrary by the Upper Tribunal or any other Court seised of relevant proceedings. No report of these proceedings, in whatever form, either during the proceedings or thereafter, shall directly or indirectly identify the appellant. Failure to comply with this order could lead to a contempt of court.

3. On the 2nd December 2010, the first appellant applied for a student visa in Chennai to study at Greenwich University for an MSc, which was issued on the 17th December 2010 valid until 31st May 2012. He left Sri Lanka with his wife on the 9th January 2011 on his own passport, arriving in the UK the next day. He did not complete the course at Greenwich University but applied through an agent for a post –study work visa which was refused because he says, he was deceived by the agent to whom he paid £3000 who submitted a fraudulent results certificate, transcript and letter.
4. On the 28th May 2012 he made a claim for asylum. The Secretary of State refused the claim for asylum and the appellants exercised their right to appeal that decision and the matter came before the First-tier Tribunal (Judge Jones QC) on the 3rd April 2103 and in a determination promulgated on the 25th April 2014 dismissed their appeals. An application was made for permission to appeal that decision was made which culminated in permission being granted. On the 24th September 2013, the Upper Tribunal found that the First-tier Tribunal’s refusal to admit the psychiatric evidence to be procedurally unfair and therefore remitted the appeals to the First-tier Tribunal for a fresh hearing. The appeals duly came before the First-tier Tribunal again (Judge Baldwin) who. In a determination promulgated on the 12th November 2013 dismissed the appeals for a second time. An application was made for permission to appeal which was refused by the First-tier Tribunal but permission was granted by the Upper Tribunal. The matter came before Upper Tribunal McGeachy on the 21st March 2014 who found an error of law in the determination of the First-tier Tribunal and set aside the decision and listed the hearing as resumed hearing before the Upper Tribunal for all matters to be considered afresh.
5. The case came before me on the 11th December 2014 but could not be completed and was therefore adjourned part heard. In the interim a letter dated 5th March 2015 has been received notifying the Tribunal under Rule 17A that the appeals be withdrawn as the Secretary of State has granted the appellants refugee status.
6. Therefore in relation to those appeals they fall to be treated as abandoned in accordance with Section 104(4A) of the Nationality, Immigration and Asylum Act 2002.