



**Upper Tribunal
(Immigration and Asylum Chamber)**
AA/05079/2014

Appeal Number:

THE IMMIGRATION ACTS

**Heard at North Shields
Determination Promulgated
On 30 April 2015
May 2015
Prepared on 30 April 2015**

On 11

Before

DEPUTY UPPER TRIBUNAL JUDGE JM HOLMES

Between

**A. D.
(ANONYMITY DIRECTION MADE)**

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: No attendance

For the Respondent: Mr Mangion, Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant is a citizen of Egypt who claimed to have entered the United Kingdom illegally on 21 November 2013, when he claimed asylum the following day. That

application was refused on 4 July 2014, and in consequence a removal decision was made in relation to him.

2. The Appellant appealed to the Tribunal and his appeal was heard on 21 August 2014, and dismissed by determination of Judge Manchester, promulgated on 1 September 2014.
3. The Appellant's application to the First Tier Tribunal for permission to appeal was refused by Judge Pooler on 18 September 2014 because the grounds failed to identify any material error of law in the Judge's determination, and the findings he had made were well open to him on the evidence.
4. The Appellant renewed his application for permission to appeal to the Upper Tribunal but identified no grounds, asserting merely that he wished "to exercise his right of appeal". That application was granted by Upper Tribunal Judge Storey on 7 January 2015, although the text of his decision makes it plain that he intended to refuse it;
The grounds fail to identify any arguable errors in the First Tier Tribunal findings of fact and on the basis of those findings the Appellant did not fall within any risk category identified in any available country information on Egypt and in such circumstances these grounds must be rejected.
5. The Respondent filed a Rule 24 response to the grant of permission on 21 January 2015 in which she pointed out that the grant appeared to be a slip, or typographical error, and requested the matter be placed before Upper Tribunal Judge Storey for correction. For whatever reason that did not occur. Thus the matter comes before me.

Adjournment?

6. The Appellant did not attend when his appeal was called on for hearing. He has offered no explanation for that failure, and has made no request for an adjournment of the hearing.
7. The Appellant gave his address for service as [] in his application for permission to appeal to the Upper Tribunal lodged on 10 October 2014. He has offered no substitute address subsequently. I am satisfied that Notice of Hearing was served by the Upper Tribunal by first class post sent on 3 March 2015 at that address. It was not returned through the dead letter system.
8. In the circumstances I am satisfied that the Appellant was served with Notice of the Hearing at the last address he gave for service. I have considered whether

there is any basis upon which the Upper Tribunal should adjourn the hearing of its own motion, but in the circumstances I decline to do so, since to take such a step would appear to serve no useful purpose. It follows that I should proceed to dispose of the appeal in the absence of the Appellant.

Error of Law?

9. It is plain that neither the application for permission to appeal lodged with the First Tier Tribunal, nor that subsequently lodged with the Upper Tribunal, contained grounds that identified any arguable error of law in the approach taken by Judge Manchester to the evidence before him.
10. Having read the determination for myself, I am satisfied that the analysis undertaken of it by both Judge Pooler, and Upper Tribunal Judge Storey, was entirely correct. The determination discloses no arguable error of law in the approach taken by Judge Manchester to the evidence that was placed before him. Not only is there nothing wrong with his reasoning, but it is perfectly clearly set out in the course of the determination; MK (Duty to give reasons) Pakistan [2013] UKUT 641.

DECISION

The Determination of the First Tier Tribunal which was promulgated on 1 September 2014 contains no error of law in the decision to dismiss the Appellant's appeal which requires that decision to be set aside and remade, and it is accordingly confirmed.

Signed

Deputy Upper Tribunal Judge JM Holmes
Dated 30 April 2015

Direction regarding anonymity - Rule 14 Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until the Tribunal directs otherwise the Appellant is granted anonymity throughout these proceedings. No report of these proceedings shall directly or indirectly identify her. This direction applies both to the Appellant and to the Respondent.

Failure to comply with this direction could lead to proceedings being brought for contempt of court.

Signed

Deputy Upper Tribunal Judge JM Holmes
Dated 30 April 2015