



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

Appeal Numbers: IA/31661/2014
IA/33890/2014

THE IMMIGRATION ACTS

**Heard at Bennett House, Stoke
On 19th May 2015**

**Decision & Reasons Promulgated
On 4th June 2015**

Before

DEPUTY UPPER TRIBUNAL JUDGE GARRATT

Between

**DR MIWA HIRONO
PETER WAYNE TREBILCO
(ANONYMITY DIRECTION NOT MADE)**

First Appellant
Second Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: No appearance

For the Respondent: Ms C Johnstone, Senior Home Office Presenting Officer

DECISION AND REASONS

1. Before the Upper Tribunal the Secretary of State now becomes the appellant. However, for the avoidance of confusion, I shall continue to refer to the parties as they were before the First-tier Tribunal.
2. On 3rd March 2015 Judge of the First-tier Tribunal Vaudin d'Imécourt gave permission to the respondent to appeal against the decision of Judge of the First-tier Tribunal T R P Hollingworth in which he allowed the appeal on Article 8 grounds outside the Immigration Rules against the decision of the respondent to refuse to

grant indefinite leave to remain for the first appellant and further leave to remain for the second appellant.

3. At the commencement of the hearing in the Upper Tribunal before me Ms Johnstone stated that the respondent had received information to indicate that both appellants had left the United Kingdom on 29th March 2015 bound for Osaka via Helsinki. She produced a Home Office print-out to confirm. In these circumstances she asked me to regard the appeals as abandoned although she also suggested that the Home Office application should be decided on its merits.
4. Having reserved my decision I now set out my reasons for concluding that it is unnecessary for the Tribunal to proceed further with this appeal.
5. Section 92(8) of the Nationality, Immigration and Asylum Act 2002, as substituted by Section 17 of the Immigration Act 2014 from 20th October 2014, reads 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.’
6. This appeal has not been finally determined because permission to appeal to the Upper Tribunal has been granted and it is awaiting a determination. It is not a certified claim. The decision of the First-tier Tribunal is not, therefore, the final determination of this matter. Applying the provisions of Section 92(8) the appeal is therefore abandoned before it is finally determined. On that basis it is unnecessary for the Upper Tribunal to proceed to determine the error of law issue because the whole appeal falls away.

Decision

The appeal by the appellants which has not been finally determined has been abandoned and the Tribunal will take no further action.

Anonymity

Anonymity was not requested before the Upper Tribunal nor do I consider it appropriate in this case.

Signed

Date 01/06/2015

Deputy Upper Tribunal Judge Garratt