



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

Appeal Number: PA/02561/2017

THE IMMIGRATION ACTS

**Heard at Liverpool
On 23 August 2017**

**Decision & Reasons promulgated
On 12 September 2017**

Before

Upper Tribunal Judge Plimmer

Between

FAISAL ALI

and

Appellant

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation

Appellant: None

Respondent: Mr Bates, Senior Home Office Presenting Officer

DECISION AND REASONS

Introduction

1. This appeal has its origins in a decision made on behalf of the respondent dated 9 March 2017 wherein the appellant's protection claim was refused, whilst he was detained at Harmondsworth.

Background

2. The appellant, a citizen of Pakistan, lodged an appeal against this decision with the assistance of solicitors based in Manchester, on 14 March 2017, giving a 'c/o' address in Bolton. He was released from detention on 17 March 2017, when he went to reside in Bolton.
3. On 31 March 2017 the 'detention co-ordinator courts clerk' requested a transfer of the hearing to a hearing centre nearer to the residential address. This was followed by a letter dated 3 April 2017 from the appellant's solicitors asking for the hearing to be transferred. The letter states that the appellant now lives in Manchester and was unable to attend a hearing in Harmondsworth given financial concerns. It appears that there was no written response to these requests by the First-tier Tribunal.
4. The appeal proceeded to take place in Harmondsworth on 4 April 2017. In a decision dated 27 April 2017 the First-tier Tribunal noted that there was no appearance by the appellant or his representatives. The First-tier Tribunal considered the solicitors' representations requesting an adjournment / transfer but concluded that there was no acceptable or reasonable explanation for the appellant's absence.
5. The First-tier Tribunal dismissed the appeal, finding the appellant to have provided incredible evidence. In so doing the First-tier Tribunal took into account the appellant's failure to attend the hearing and his failure to provide any further evidence in support of his asylum claim.
6. When granting permission to appeal against this decision on 1 June 2017 First-tier Tribunal Judge Robertson observed that there was an arguable failure to note that requests had been made prior to the hearing, and an arguable failure to give adequate reasons for the decision to proceed in the appellant's absence, which resulted in the appellant being denied an opportunity to put his case.
7. In a rule 24 notice dated 12 June 2007 the respondent submitted that any error in approach is not material.

Hearing

8. The appellant did not attend the hearing before me and no reason has been offered for his non-attendance. The same Manchester solicitors remain on record and were provided with a notice of this hearing, yet there is also no explanation for their failure to attend.
9. In these circumstances Mr Bates invited me to dismiss the appeal.

Consideration

10. There has been no unfairness in the First-tier Tribunal proceeding with the hearing at Harmondsworth. The appellant cited financial reasons for not being able to attend yet no explanation was offered as to how he was able to afford solicitors or why he could not be assisted with transport from the same source, presumably his surety from the successful bail application, that recently drove him from Harmondsworth to Bolton. I also note that the grounds of appeal refer to the appellant residing at his sister's address. No attempt has been made to explain why she could not offer financial assistance.
11. The solicitor's letter did not indicate that the appellant was not ready to proceed. If the appellant was sufficiently concerned to attend the hearing in person he could and should have done so. After all there had been no indication that his hearing would be adjourned or transferred. The fact that the appellant failed to attend the hearing before me and has provided no explanation for this together with the insufficiently explained failure to attend the First-tier Tribunal hearing or chase up a response, is not indicative of an appellant intent on taking an active part in appeal proceedings.

Decision

12. The decision of the First-tier Tribunal does not contain an error of law and is not set aside.

Signed: Ms Melanie Plimmer
Judge of the Upper Tribunal

Dated: 23 August 2017