



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

**Appeal Number: PA/00963/2018**

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 20 July 2018**

**Decision and Reasons Promulgated  
On 26 July 2018**

Before

**Upper Tribunal Judge Kebede**

Between

**MUHAMMED MAJID  
(anonymity direction not made)**

**Appellant**

and

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

**Respondent**

**DECISION AND REASONS**


1. On 12 July 2018 a Notice and Directions was issued to the parties in the following terms:

“1. The appellant seeks permission to challenge the decision of First-tier Tribunal Judge Siddiqi dismissing his appeal against the respondent’s decision of 19 December 2017. Permission was refused in the First-tier Tribunal on 11 May 2018 and the appellant seeks to renew his application in the Upper Tribunal.

2. It seems to me, however, that there was no valid appeal before Judge Siddiqi, given that the decision of 19 December 2017 was a refusal to treat submissions as a fresh claim under paragraph 353 of the immigration rules which is not an appealable decision.

3. In the circumstances the Tribunal is minded to grant permission, set aside the decision of the First-tier Tribunal and re-make the decision by dismissing the appeal for lack of jurisdiction.

4. A party who is opposed to this course is directed to inform the Tribunal in writing (giving reasons), not later than 5 days from the date this decision is sent by the Upper Tribunal. Following that period, and in the absence of satisfactory reasons, the Upper Tribunal will issue its decision.”
2. No response to the above has been received from either party.
3. In the circumstances, and given the terms of the directions issued to the parties, I assume that neither party has any objection to the course of action I proposed.
4. Accordingly, I grant permission to appeal to the Upper Tribunal, I set aside the decision of Judge Siddiqi for reason of error of law and I re-make the decision in the appeal by dismissing it for lack of jurisdiction.

Signed   
Upper Tribunal Judge Kebede

Date: 20 July 2018