



IAC-AH-SC-V1

**Upper Tribunal  
(Immigration and Asylum Chamber)      Appeal Number: HU/03457/2020**

**THE IMMIGRATION ACTS**

**Heard at Field House  
On the 5 October 2022**

**Decision & Reasons Promulgated  
On the 24 October 2022**

**Before**

**UPPER TRIBUNAL JUDGE ALLEN**

**Between**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**and**

**TUL PRASAD GURUNG  
(ANONYMITY DIRECTION NOT MADE)**

Respondent

**Representation:**

For the Appellant: Mr S Whitwell  
For the Respondent: No appearance

**DECISION AND REASONS**

1. The hearing in this case took place on 8 March 2022. At that hearing I sat with Deputy Upper Tribunal Judge Chapman and as can be seen from paragraph 7 of the decision signed by Judge Chapman an error of law had been made by the judge as contended for by the Secretary of State and , as can be seen from paragraph 8 of the decision, we awaited the outcome of the sponsor's application as a returning resident before proceeding to remake the appeal.
2. The matter was listed for a case management hearing on 5 October 2022.

3. I was provided by Mr Whitwell, who appeared on behalf of the Secretary of State, with a copy of an email passing on the sad news that the sponsor Mr Gurung died on 3 July 2022. A copy of his death certificate had been attached. In an email from the representatives dated 4 October 2022 it was confirmed that further instructions had been taken from the client and there was agreement with the Home Office position that on the basis of current circumstances, where the sponsor had sadly passed away, the hearing should be disposed of by the appeal being dismissed.
4. In light of these unfortunate circumstances it seems that there is nothing to be done but, as sought in this case, a decision dismissing the appeal, which I hereby formally do.

No anonymity direction is made.



Signed

Date 12<sup>th</sup> October 2022

Upper Tribunal Judge Allen