



IAC-FH-CK-V1

**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: PA/02737/2020**

THE IMMIGRATION ACTS

**Heard at Manchester Civil Justice Centre Decision & Reasons Promulgated
On 15 August 2022 On the 05 October 2022**

Before

UPPER TRIBUNAL JUDGE PLIMMER

Between

MRS SADIA JUNAID

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: No attendance

For the Respondent: Mr A McVeety, Home Office Presenting Officer

DECISION AND REASONS (given ex tempore)

1. The appellant is a citizen of Pakistan who claimed asylum on 8 April 2019. That application was refused by the Secretary of State for the Home Department ('SSHD') on 9 March 2020. The appellant appealed against that decision to the First-tier Tribunal ('FtT').
2. The matter first came before the FtT on 11 December 2020 but there is reference within the papers before me to that hearing being adjourned because the appellant said she was unwell. The matter was re-listed for a FtT hearing on 26 January 2021. The appellant did

not attend that re-listed hearing and the FtT dismissed her appeal in a decision dated 17 February 2021. That decision was set aside by Resident Judge Campbell in a decision dated 19 May 2021. He was concerned that notice of that hearing had not been served upon the appellant. The matter therefore was directed to be heard afresh by a different FtT Judge.

3. At a prehearing review before Judge Hollings-Tennant on 3 June 2021 it was noted that there had been a previous adjournment on 11 December 2020 on the basis that the appellant was unwell. It was also recorded that the appellant had not yet filed a bundle or skeleton argument in support of her appeal. Directions were made for the appellant to do so.
4. The matter then came before the FtT again on 25 June 2021 but the appellant did not attend that hearing. The file has been checked and whilst it has been difficult to locate, I note a notice of hearing to the address provided by the appellant was sent notifying her of that hearing.
5. On 30 July 2021 the appellant sought permission to appeal against the FtT's decision following the hearing of 25 June on the basis that the FtT proceeded to determine that appeal again in the absence of the appellant.
6. Unfortunately the grounds of appeal are not on the Tribunal's file. The Tribunal wrote to the appellant asking her for a copy but she does not have a copy. What I do have is the grant of permission to appeal dated 6 October 2021, which says this:

“The grounds of this in time application assert that the appellant was not aware of the appeal hearing and had not received a copy of the respondent's bundle. She further asserts that the Tribunal have an email address and contact telephone number for her and she was not contacted by the Tribunal regarding the hearing. The Tribunal served a notice of hearing on the appellant on 4 June 2021 to the same postal address that she has referred to in her permission to appeal application. The appellant asserts that she did not receive the notice and it is therefore arguable that there was procedural unfairness. Although I have granted permission to appeal, going forward, it will be for the appellant to provide such evidence as is possible to demonstrate why she was unable to attend the hearing for the reason claimed.”

7. The matter was listed before the Upper Tribunal ('UT') in a notice of hearing dated 9 June 2022 and was called on today, 15 August 2022 at 11.10. The appellant was not present in court. I therefore asked Mr McVeety, who represents the Secretary of State, whether he had a mobile number that the court could use to contact the appellant. This was done with the assistance of an Urdu interpreter.

8. The Urdu interpreter confirmed that he was speaking to the appellant, Mrs Junaid, and that she understood him by using the language Urdu. Through the interpreter I clarified with the appellant why she had not attended the hearing. She apologised and said that she had had COVID for the last three days. She indicated that she had received the notice of hearing and was aware of today's hearing but was unable to attend through illness. I asked her why she did not write or call the Tribunal to indicate that she was ill and she said that she had told her solicitor. I enquired which solicitors those were. She said Prestige Solicitors. I then asked when she had instructed Prestige Solicitors and she said she had done so from the beginning.
9. I asked her what she wanted the Tribunal to do and she said that she wanted the Tribunal to give her another date, that is adjourn the hearing. I indicated that I was not minded to adjourn the hearing and that the hearing would proceed. I am satisfied and the appellant has confirmed that she was given notice of the hearing today. It is regrettable that she did not make any attempt to contact the Tribunal to say that she was unable to attend the hearing or to make a request to attend remotely. Her indication to me that she had told her solicitor is difficult to understand because she does not have any solicitors on record and it is clear from a careful perusal of the file that she has not had solicitors on record for a lengthy period of time. I bear in mind that there is a clear indication from the file that a previous hearing was adjourned due to ill health. I am not minded to adjourn this hearing and I am satisfied that it can fairly proceed in the absence of the appellant.
10. The appellant's grounds focus upon her not receiving notice of hearing of the FtT hearing on 25 June 2021. When she was granted permission to appeal it was made very clear that going forward, it would be for her to provide the evidence to demonstrate why she was unable to attend that hearing. She has not provided any such evidence and she has opted to simply not attend the hearing today without any notification to the Tribunal.
11. In those circumstances, I am satisfied, having seen a notice of hearing on the file and bearing in mind the particular history of this matter, that this appellant has not made out the grounds of appeal in relation to which permission was granted. I therefore dismiss her appeal.

Notice of decision

12. The appeal is dismissed.

Signed: *UTJ Melanie Plimmer*
2022
Upper Tribunal Judge Plimmer

Date: 23 September