



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

Appeal no: **AA 07615-13**

THE IMMIGRATION ACTS

At **Field House**
on **17.01.2014**

Decision signed:
17.01.2014
sent out: **20.01.2014**

Before:

Upper Tribunal Judge
John FREEMAN

Between:

Naeem SHAHZAD

appellant

and

Secretary of State for the Home Department

respondent

Representation:

For the appellant: *Daniel Coleman* (counsel instructed by Dent Abrams)
For the respondent: Mr Nigel Bramble

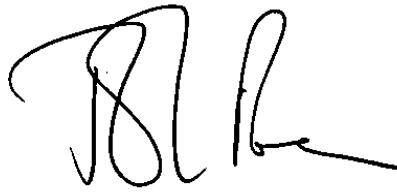
DETERMINATION AND REASONS

This is an appeal, by the respondent to the original appeal against the decision of the First-tier Tribunal (Judge Anne-Marie Tootell), sitting at Hatton Cross on 11 September 2013, to allow an appeal by a citizen of Pakistan, born 6 December 1984, to the extent of directing the Home Office to reconsider his application under the 'legacy' policy.

2. Permission to appeal was given on the basis that AZ (Asylum- legacy cases) Afghanistan [2013] UKUT 270 (IAC) should have led the judge to a different result. Both sides should have referred her to this decision, but apparently neither did. However, Mr Bramble conceded before me that, even if the judge had been referred to it, she would have been entitled to distinguish it, on the basis that the decision under appeal in this case was not a fresh immigration decision, but one under the 'legacy' policy, which

in her view had not been properly considered. So he withdrew the Home Office appeal, and the judge's decision stands.

Home Office appeal withdrawn

A handwritten signature in black ink, consisting of stylized, overlapping letters that appear to be 'JBL' followed by a horizontal line.

(a judge of the Upper
Tribunal)