



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

Appeal no: **OA/05942/2014**

THE IMMIGRATION ACTS

At **Field House**
On: **20.04.2015**

Decision signed: **20.04.2015**
Sent out on: **22.04.2015**

Before:

Upper Tribunal Judge **John FREEMAN**

Between:

SAIMA SAEED

appellant

and

Secretary of State for the Home Department

respondent

Representation:

For the appellant: no appearance

For the respondent: Mr Sebastian Kandola

DETERMINATION AND REASONS

1. This is an appeal, by the appellant, against the decision of the First-tier Tribunal (Judge Wm. Khan), sitting at Taylor House on 23 October 2014, to declare invalid an out-of-country appeal against administrative removal by a citizen of Pakistan, born 23 September 1972.
2. The appellant did have an out-of-country right of appeal against such a decision, which she exercised, and the judge needed to make a decision on her appeal: as he did not, I shall. The appellant's complaint was that she had had leave to remain till 14 April 2014, and had been trying since mid-February to get her passport back from the Home Office, so that she could make a voluntary departure on it. However, instead of dealing with

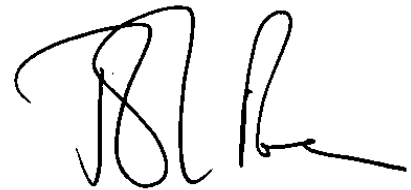
NOTE: no anonymity direction made at first instance will continue, unless extended by me.

that request, the Home Office had done nothing about it till 16 April, when they had served on her a notice that she was liable to removal as an overstayer. Nevertheless, they had granted her temporary admission till 19 April, on which day she had left.

3. The appellant's grounds suggest that this piece of maladministration, as it certainly was, made the decision to remove her challengeable on appeal, as 'not in accordance with the law'. I cannot accept that; for whatever reason, by 16 April the appellant was an overstayer, and liable to removal. In effect the Home Office had removed in advance the black mark that might leave on her record, by granting her temporary admission till the 19th, when she did leave. So long as it is made clear on their records that this appellant has never been here without leave, and left voluntarily and at her own expense, it does not seem to me that she has any continuing cause for complaint.

Appeal against first-tier decision allowed

Decision re-made: appeal against removal dismissed

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

(a judge of the Upper Tribunal)