



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal numbers: DA/00868/2013

THE IMMIGRATION ACTS

Heard at Field House
On 31 May 2019

Decision & Reasons Promulgated
On 11 June 2019

Before

Upper Tribunal Judge Gill

Between

Marlon Samuel
[Anonymity Direction not made]

Appellant

And

The Secretary of State for the Home Department

Respondent

Representation:

For the appellant: Mr S Walker, Senior Presenting Officer.

For the respondent: No appearance.

DIRECTIONS TO PARTIES

1. At the hearing on 31 May 2019, there was no appearance by or on behalf of Mr Marlon Samuel (hereafter the "claimant"). Mr Walker informed me that the respondent's records indicate that the claimant was released from detention in January 2019. Mr Walker submitted a copy of the claimant's PNC record which appears to indicate that he was made the subject of an order which prevented him from carrying out certain actions or activities within certain areas, including [D~] Way.

2. It is not clear whether the terms of the Order meant that the claimant was unable to live at, or have access to, 33 [D~] Way so as to receive the Notice of Hearing dated 1 May 2019 that was sent to him for the case management review hearing on 31 May 2019. This is the address that the Upper Tribunal was most recently provided for service of documents on the claimant.
3. Regal Solicitors, the claimant's representatives, informed the Upper Tribunal by a facsimile message on 31 January 2019 that they were no longer acting for him.
4. The claimant has not notified the Upper Tribunal that he has instructed any other solicitor or representative, nor has he notified the Upper Tribunal of his current address if he is no longer able to live at, or have access to correspondence sent to him at 33 [D~] Way.
5. Accordingly, I concluded that the Notice of Hearing dated 1 May 2019 was duly served on the claimant. Given that the claimant has not contacted the Upper Tribunal to inform the Upper Tribunal of his current address for service of documents and having regard to the overriding objective, I decided to exercise my discretion and proceed with the hearing.
6. By an Order dated 13 March 2018, the Court of Appeal allowed the Secretary of State's appeal to it and set aside the following decisions:
 - (i) the decision of Upper Tribunal Judge Canavan dated 21 March 2016; and
 - (ii) the decision of First-tier Tribunal judge Carroll dated 3 September 2015.
7. This means that the claimant's appeal against the Secretary of State's decision dated 24 April 2013 remains outstanding before the First-tier Tribunal.
8. At the hearing on 31 May 2019, I requested Mr Walker to notify the Upper Tribunal in writing, on or before 14 June 2019, the following information:
 - (i) the date of the claimant's release from detention;
 - (ii) the address to which he was released; and
 - (iii) clarity as to the conditions impose upon him; in particular, whether he was permitted to live at, or have access to correspondence sent to him at, 33 [D~] Way.Such information will assist the First-tier Tribunal when it re-lists the claimant's appeal for hearing.
9. On 5 June 2019, the Upper Tribunal received from the Secretary of State documents which included the following:
 - (i) A cover letter dated 5 June 2019.
 - (ii) The claimant's bail conditions dated 7 February 2019. This imposes, *inter alia*, a residence condition, but the address specified is not 33 [D~] Way.

(iii) A copy of a decision letter dated 30 July 2018.

10. **The First-tier Tribunal will no doubt wish to consider very carefully the address/addresses to which the Notice of Hearing for the next hearing should be sent, if the claimant does not notify it of his current address and/or his new representatives.**

Signed



Date: 5 June 2019

Upper Tribunal Judge Gill