



**Upper Tribunal  
(Immigration and Asylum Chamber)  
HU/14005/2015**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Field House**

**Decision &  
Promulgated**

**Reasons**

**On 5 March 2019**

**On 7 March 2019**

**Before**

**Deputy Upper Tribunal Judge MANUELL**

**Between**

**Mr ZUBEYIR AKBULUT  
(NO ANONYMITY DIRECTION)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: No appearance

For the Respondent: Ms A Holmes, Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. Permission to appeal was granted by First-tier Tribunal Judge Foudy on 2 December 2017 against the decision to dismiss the Appellant's Article 8 ECHR appeal made by First-tier Tribunal Judge Plumtre in a decision and reasons promulgated on 20 December 2017. Judge Plumtre found that the First-tier Tribunal had no jurisdiction because there was no appealable decision.
2. The Appellant is a national of Turkey, born on 15 January 1994. He had sought leave to remain as a business person under the 1963 European Community Association Agreement with Turkey. The judge found that the refusal decision fell outside section 82 of the Nationality, Immigration and Asylum Act 2002 (as amended), and that in effect the Appellant's only remedy was Administrative Review under Appendix AR of the Immigration Rules.
3. Permission to appeal was granted because it was considered arguable that the judge had not correctly interpreted section 82, in the light of Akturk v SSHD [2017] EWHC 297 (Admin). The appeal to the Upper Tribunal was stayed to await the decision of the Court of Appeal, now reported as CA (Turkey) [2018] EWCA Civ 2875. Akturk was overturned. Following that decision, the Appellant's solicitors indicated by letter dated 4 March 2019 that the Appellant was content for the appeal to be determined on the papers and so there would be no appearance.
3. Ms Holmes for the Respondent relied on CA (Turkey). There was no jurisdiction in the First-tier Tribunal.
4. There is nothing which the tribunal can usefully add to the Court of Appeal's comprehensive decision. The very experienced First-tier Tribunal Judge's cautious interpretation of section 82 of the Nationality, Immigration and Asylum Act 2002 (as amended) has been vindicated. The tribunal finds that there was no error of law and the on-wards appeal must be dismissed.

## **DECISION**

The appeal to the Upper Tribunal is dismissed.

There was no error of law in the First-tier Tribunal's decision and reasons, which stands unchanged.

**Signed** **Dated** 5 March 2019  
**Deputy Upper Tribunal Judge Manuell**