



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

Appeal Number: IA/24225/2015

THE IMMIGRATION ACTS

Heard at Field House

On 5th March 2019

**Decision & Reasons
Promulgated
On 6th March 2019**

Before

UPPER TRIBUNAL JUDGE O'CONNOR

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**SHAHRUKH KHAN
(ANONYMITY DIRECTION NOT MADE)**

Respondent

Representation:

For the Appellant: Ms S Jones, Senior Presenting Officer

For the Respondent: Not represented

DECISION AND REASONS

(Decision given orally)

1. This appeal was remitted by the Court of Appeal in a decision sealed on the 16 August 2018. The matter subsequently came before me on the 3 October 2018 and, in a decision of the same date, I set aside the First-tier Tribunal's decision. Regrettably, I could not proceed immediately to re-make the decision on appeal and the matter was thereafter listed for hearing on today's date.

2. Mr Khan appeared in person today having withdrawn instructions from his former legal representatives. At the outset of the hearing Mr Khan sought an adjournment, indicating that he also had an ongoing appeal before the First-tier Tribunal, a fact his previous legal representatives failed to mention at the hearing of 3 October. That appeal, it is said, relates to a refusal by the SSHD to grant him leave on long residence grounds (it must in fact be a human rights appeal, founded on such basis). Mr Khan requested that the Tribunal hear both the appeals on the same occasion. Ms Jones agreed that this would be preferable.
3. Despite both the vintage of this appeal, and the decision made on 3 October that it would remain for determination in the Upper Tribunal, in all the circumstances I accept that it is prudent and in the interests of justice for the Mr Khan to have his claim that he has a right to remain in the UK considered as a whole.
4. I therefore remit this appeal to the FtT to be heard at the same time as the appeal referenced as HU/16429/2017 (currently listed on 28 March 2019 at the Hatton Cross hearing centre).

Signed:

Date 5th March 2019



Upper Tribunal Judge O'Connor