

IN THE UPPER TRIBUNAL

R (on the application of Nathabhai Odedra) v Secretary of State  
for the Home Department IJR [2015] UKUT 00076 (IAC)

Field House

28 January 2015

**BEFORE**

**UPPER TRIBUNAL JUDGE GOLDSTEIN**

**Between**

**BHARTIBEN NATHABHAI ODEDRA**

Applicant

**and**

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

Respondent

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No appearance on behalf of the Applicant.

Mr J Jolliffe, Counsel instructed by the Treasury Solicitor,  
appeared on behalf of the Respondent.

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**APPLICATION FOR PERMISSION**

**JUDGMENT**

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**Introduction**

JUDGE GOLDSTEIN: The applicant brings an application for judicial review of the Respondent's decision dated 2 June 2014 to refuse the applicant's claim for asylum and to certify the claim under Section 94 of the Nationality, Immigration and

Asylum Act 2002 and following removal directions set on 11 June 2014 for the applicant's removal.

2. As the removal directions were subsequently cancelled this part of the applicant's claim is entirely academic.
3. The Respondent submitted an acknowledgement of service dated 31 July 2014 together with a decision letter dated 25 July 2014 in which she withdrew the original decision. The July letter was issued in order to give further consideration to the applicant's Article 8 claim as well as to consider the country of origin information and the claim of the applicant, a citizen of India born on 30 June 1988, that internal relocation was not possible for her as a lone woman.
4. It follows that any criticism of the June decision is now academic, it having been superseded by the Respondent's decision letter of 31 July 2014. No challenge has been made to the Respondent's later decision and no application has been made to amend the grounds to seek a review of that later decision.
5. Permission to bring these proceedings was granted on 15 August 2014 by Upper Tribunal Judge Storey on the basis that the grounds were arguable as the Respondent appeared to have withdrawn the decision challenged in the judicial review application and that by so doing without adequate explanation, it "cast doubt on the original decision to certify".
6. However, this being a challenge to the decision of 2 June 2014 and for the reasons I have stated above, it follows that the subsequent decision of the Respondent in July 2014 renders these judicial review proceedings academic.
7. At the outset of the hearing before me on 28 January 2015 there was no appearance on the part of the applicant, no explanation for her absence and no request for an adjournment.

8. It is apparent that at the time of the applicant's judicial review application lodged with the Tribunal on 7 July 2014, thus predating the Respondent's subsequent July decision, she was detained and thus gave her address as that of Yarl's Wood Immigration Removal Centre in Bedford and the address to which documents should be sent, as that of her solicitors' Messrs Carter Young.
9. I was satisfied that notice of hearing was served upon her solicitors' address who had acknowledged receipt of the notice and had since been given leave to withdraw from the record.
10. By letter dated 21 January 2015 and in response to the Tribunal's request as to whether or not they had been able to inform the applicant at the date of hearing, Messrs Carter Young informed the Tribunal that save for the details produced within their application to come off the record regarding their attempts to contact the applicant, they had not been successful in informing her of the date of hearing.
11. The Treasury Solicitor by letter to the Tribunal dated 21 January 2015 had attached her Statement of Costs and explained that since the grant of Carter Young Solicitors' request to be taken off the record she had not sent a copy to the applicant as she was without her current forwarding address.
12. I further noted from the Respondent's skeleton argument dated 16 January 2015, that the applicant was subject to reporting obligations that required her to sign on with the Respondent every week. However, on 8 December 2014 she failed to attend and appears to have absconded, thus remaining in violation of her obligations ever since.
13. Further the Respondent wrote a letter to the applicant dated 12 December 2014 at an address in Newcastle in which the applicant was asked to confirm that the address was correct,

in which case detailed grounds would be served upon her at that address. The applicant was also invited to obtain further legal advice.

14. The Respondent stated that the applicant did not reply to this letter notwithstanding the Respondent's further effort to contact the applicant by letter dated 14 January 2015 that also failed to meet with a response.

15. In that the applicant, without explanation, is not present today to pursue her claim and in light of my reasons above I dismiss it.

### **Decision**

16. For the above reasons this claim for judicial review is dismissed.

### **Costs**

17. For like reason I grant to the Respondent her application that the applicant be ordered to pay her costs of resisting the claim that includes the drafting of detailed grounds of response and attending the hearing.

18. There is before me a schedule of the costs prepared by the Respondent that for the understandable reasons to which I have above referred has not been served upon the applicant.

19. I note that there is no application made by the applicant for the costs of issuing the original judicial review proceedings.

20. I have decided to grant the Respondent her costs in the sum of £5,244.

**Permission to Appeal**

21. There being no arguable basis to appeal, I refuse permission to appeal to the Court of Appeal. ~~~~0~~~~