



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Numbers: IA/10977/2013  
IA/10980/2013

**THE IMMIGRATION ACTS**

Heard at Field House  
On 7 November 2013

Notice Promulgated  
On 18 November 2013

Before

UPPER TRIBUNAL JUDGE MOULDEN

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

MRS JASWINDER KAUR  
MR KULWANT SINGH  
(No Anonymity Direction Made)

Respondents

**Representation:**

For the Appellant: Mr E Tufan a Senior Home Office Presenting Officer

For the Respondents: Mr M Iqbal of counsel instructed by Denning solicitors

**NOTICE OF WITHDRAWAL**

1. The appellant is the Secretary of State for the Home Department ("the Secretary of State"). The respondents are citizens of India born on 5 June 1985 and 19 June 1986 respectively ("the claimants). They are husband-and-wife. The wife applied for further leave to remain in the UK as a Tier 4 (General) Student Migrant and the husband applied as her dependant. The Secretary of State refused their applications on the basis that they had overstayed.

2. The claimants appealed and First-Tier Tribunal Judge Fox ("the FTTJ") heard their appeals on 4 September 2013. He allowed both appeals to the extent that the Secretary of State's decisions were not in accordance with the law and should be reconsidered by her.
  
3. The Secretary of State applied for and was granted permission to appeal. At the hearing before me Mr Tufan said that the cases had been reconsidered and the Secretary of State wished to withdraw the appeals to the Upper Tribunal. She would reconsider the applications as directed by the FTTJ. This is not a withdrawal of the whole of the Secretary of State's case as it is limited to the withdrawal of the appeals to the Upper Tribunal. Nevertheless, I consider that the consent of the Upper Tribunal is required under the provisions of Paragraph 17 of The Tribunal Procedure (Upper Tribunal) Rules 2008. I give that consent.
  
4. I record that the Secretary of State has withdrawn her appeals to the Upper Tribunal. The decision of the FTTJ stands. This notice should be given to the parties.

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Upper Tribunal Judge Moulden

Date 14 November 2013