



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

Appeal Number: IA/12655/2014

THE IMMIGRATION ACTS

Heard at Field House

**On 4 September 2014
Prepared 4 September 2014**

**Determination
Promulgated**

On 18 September 2014

Before

DEPUTY UPPER TRIBUNAL JUDGE DAVEY

Between

MS KELLY CRISTINA ZARATE MALDONADO

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: None

For the Respondent: Mr J Parkinson, Senior Presenting Officer

DETERMINATION AND REASONS

1. The Appellant, a national of Brazil, date of birth 25 November 1985, appealed against the Respondent's decision, dated 26 February 2014, to revoke a residence card. Her appeal against that decision came before First-tier Tribunal Judge D S Borsada, who on 7 May 2014 dismissed her appeal both under the 2006 Immigration (EEA) Regulations 2006 and with reference to Article 8 of the ECHR.

2. Notice of hearing was sent to the Appellant's nominated representatives identified in her grounds of application, namely DMA Legal Services at their given address in 8 Scrubs Lane, London NW10, by letter dated 22 August 2014 in which First-tier Tribunal Judge Zucker had granted permission to appeal.
3. At 3.45pm on 4 September there was no appearance by the Appellant, no explanation for absence and no request for a postponement in advance of the hearing nor a request for an adjournment.
4. Subsequent to the start of the hearing a fax was delivered coming from Triaco Solicitors which identified that they were acting for the Appellant and that they wished to withdraw the appeal.
5. Having checked the position with DMA, the nominated legal representatives, today the court usher was informed that they were no longer acting for the Appellant and believed they had written a letter shortly after receipt of the Tribunal's letter of 22 August 2014 indicating that their instructions had been withdrawn.
6. I am satisfied that the Appellant had indeed nominated new representatives, had received the notice of the hearing for 4 September 2014. Therefore her absence was simply a matter of choice and as a result of giving the instructions that she had.
7. In these circumstances, with leave, the appeal is withdrawn.

Signed

Date 9 September 2014

Deputy Upper Tribunal Judge Davey