



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

Appeal Number: IA/31282/2013

THE IMMIGRATION ACTS

Heard at Sheldon Court, Birmingham

**Determination
Promulgated**

On 10 July 2014

On 14 July 2014

Before

The President, The Hon. Mr Justice McCloskey

Between

MOHAMMAD KHALED BHUIYAN

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr I Chowdhury of EI Solicitors.

For the Respondent: Mr Smart, Senior Home Office Presenting Officer.

DETERMINATION AND REASONS

1. The Appellant appeals against the determination of the First-tier Tribunal (the "FtT") whereby its dismissed his appeal against the decision made on behalf of the Secretary of State for the Home Department (the "Secretary of State"), dated 16 July 2013, refusing his application for leave to remain in the United Kingdom as a Tier 4 (General) Student Migrant.

One of the main issues was the relationship of the Appellant with his mother and evidence in support thereof.

2. Upon the listing of this appeal on 10 July 2014, Mr Smart, on behalf of the Secretary of State, stated that enquiries conducted by him had established that when the impugned decision was made an error was committed, consisting of the inadvertent disregard of the Appellant's birth certificate. He indicated that, in consequence, the immigration decision is withdrawn and he applied under Rule 17 to withdraw the Secretary of State's case, with a view to undertaking a reconsideration.
3. No opposing submission was made on behalf of the Appellant. Accordingly, I granted permission under Rule 17. I set aside the decision of the FtT. There will be a fee award in favour of the Appellant.

Signed:

Seamus McCloskey.

THE HON. MR JUSTICE MCCLOSKEY
PRESIDENT OF THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Date: 12 July 2014