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

Appeal Number: IA/31527/2013

THE IMMIGRATION ACTS

Listed at Field House

On 11th November 2014

**Determination
Promulgated**

On 14th November 2014

Before

Deputy Upper Tribunal Judge Harries

Between

MR MUHAMMAD HUSSAIN
(NO ANONYMITY DIRECTION MADE)

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: MA Consultants (London)

For the Respondent: Mr P Nath, Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant was born on 8th September 1980 and is a citizen of Pakistan. He was granted permission to appeal to the Upper Tribunal against the decision of First-tier Tribunal Judge M A Khan (the Judge) who, in a determination promulgated on 19th May 2014, dismissed his appeal against the respondent's decision to refuse his application to vary leave to remain in the United Kingdom on the basis of his relationship with a British citizen and to remove him from the UK to Pakistan by way of directions under section 47 of the 2006 Act.

2. After an initial hearing before me on 3rd September 2014 I found that the Judge had made a material error of law in the making of the decision in the First-tier Tribunal and I set aside that decision. The matter is listed before me today for a hearing to remake the decision. Neither the appellant nor his representative appeared but in a facsimile letter received in the Upper Tribunal today M A Consultants acting for the appellant stated as follows:

“We have been informed by our client that he wishes for his appeal to be withdrawn as he is leaving the UK voluntarily.

We therefore request if you could kindly consider this as withdrawn and update your records accordingly.”

3. There is no provision for a party to withdraw its appeal before the Upper Tribunal. However, Rule 17 of the Tribunal Procedure (Upper Tribunal) Rules 2008 provides for a party to withdraw its case, or any part of it, before the Upper Tribunal with the consent of the Tribunal as follows:

Withdrawal(a)

17.—(1) Subject to paragraph (2), a party may give notice of the withdrawal of its case, or any part of it—

(a) [] by sending or delivering to the Upper Tribunal a written notice of withdrawal; or

(b) orally at a hearing.

(2) Notice of withdrawal will not take effect unless the Upper Tribunal consents to the withdrawal except in relation to an application for permission to appeal.

4. The written notice from MA Consultants serves, in accordance with Rule 17(1)(a), as notice of withdrawal of the case before the Upper Tribunal and takes effect when the Upper Tribunal gives consent in accordance with Rule 17(2). The Upper Tribunal hereby consents to the withdrawal of the appellant’s case and decision of the First-tier Tribunal now stands unchallenged so that the appeal before the Upper Tribunal falls to be dismissed.

SUMMARY OF DECISIONS

5. The appeal before the Upper Tribunal is dismissed and the decision of the First-tier Tribunal therefore stands.

Anonymity

The First-tier Tribunal made no anonymity order made pursuant to rule Rule 13 of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014.

Signed: J M Harries
Deputy Upper Tribunal Judge

Date: 13th November 2014