



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

Appeal number: IA/01095/2014

THE IMMIGRATION ACTS

Heard at Field House

**Decision and Reasons
Promulgated**

On 27th October 2015

6th November 2015

Before

Upper Tribunal Judge Kopieczek

Between

SHIULI ROY

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**DECISION ON WITHDRAWAL PURSUANT TO RULE 17 OF THE TRIBUNAL
PROCEDURE (UPPER TRIBUNAL) RULES 2008**

1. This appeal came before me following a grant of permission to appeal against a decision of First-tier Tribunal Judge Balloch who dismissed an appeal against a decision by the respondent to refuse to issue a residence card.
2. At the hearing before me the appellant sought to withdraw the appeal. Rule 17 of the Tribunal Procedure (Upper Tribunal) Rules 2008 provides that a party may give notice of the withdrawal of its case or part of it, subject to the consent of the Upper Tribunal. There is no provision for a party to withdraw the appeal before the Upper Tribunal. Having accepted that the purported withdrawal of the appellant's appeal is in effect a withdrawal of the appellant's case before the Upper Tribunal, I consented to that withdrawal.

3. The effect therefore, is that the decision of the First-tier Tribunal is to stand.

Upper Tribunal Judge Kopieczek

3/11/15