



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

Appeal Number: IA/29381/2013

THE IMMIGRATION ACTS

**Heard at Field House
On 23rd January 2015**

**Determination
Promulgated
On 29th January 2015**

Before

DEPUTY UPPER TRIBUNAL JUDGE D N HARRIS

Between

**MR PRADEEP TALLAPALLI
(NO ANONYMITY ORDER MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: No attendance

For the Respondent: Mr S Kandola, Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant is a citizen of India born on 3rd April 1986. The Appellant was granted leave to enter the United Kingdom as a student on 26th February 2009. On 31st May 2013 the Appellant made a combined application for further leave to remain in the United Kingdom as a Tier 2 (General) Migrant and for a biometric residence permit (BRP). That application was refused by the Secretary of State on 3rd July 2013.
2. The Appellant appealed and the appeal came before Judge of the First-tier Tribunal Blake sitting at Taylor House on 1st September 2014. In a

determination promulgated on 24th September 2014 the Appellant's appeal was dismissed under the Immigration Rules.

3. On 3rd October 2014 the Appellant lodged Grounds of Appeal to the Upper Tribunal. On 4th December 2014 Judge of the First-tier Tribunal P J M Hollingworth granted permission to appeal. Judge Hollingworth concluded that there was an arguable error of law in relation to the scope of the enquiry which may be undertaken by the Respondent in the circumstances appertaining to the Appellant where "new entrants" are to be contrasted with "experienced worker". There is no Rule 24 response from the Secretary of State.
4. It is on that basis that the appeal comes before me. The Secretary of State appears by her Home Office Presenting Officer Mr Kandola. The Appellant does not appear. What however is produced to the Tribunal is an e-mail from the Appellant in which he states:

"I want to notify that I am not wishing to proceed with my appeal which is due to be held on 23rd January 2015 as I have chosen to move forward with a fresh application with Home Office which was also stated to me in lower Tribunal".
5. It is consequently a view expressed by the Tribunal that there is an application made by this e-mail requesting that the Appellant's appeal be withdrawn. In order for an appeal to be withdrawn it is necessary for the Tribunal to consent. The Tribunal does consent.

Notice of Decision

On reading the e-mail from the Appellant and on hearing from the representative of the Home Office, the Appellant's appeal is marked withdrawn and the decision of the First-tier Tribunal is maintained.

The First-tier Tribunal did not make an order pursuant to Rule 13 of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014. No application is made to vary that order and none is made.

Signed

Date **29th January 2015**

Deputy Upper Tribunal Judge D N Harris

TO THE RESPONDENT **FEE AWARD**

No application is made for a fee award and none is made.

Signed

Date **29th January 2015**

Deputy Upper Tribunal Judge D N Harris