



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: IA/37077/2014

THE IMMIGRATION ACTS

**Decision and Reasons Promulgated
On 9 October 2015**

Before

DEPUTY UPPER TRIBUNAL JUDGE SHERIDAN

Between

KANAYOCHUKWU SAMUEL EKA

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

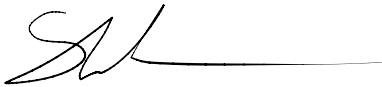
Respondent

NOTICE OF CONSENT TO WITHDRAW

1. The appellant is a citizen of Nigeria born on 3 June 1988. He first entered the United Kingdom as a student on 26 September 2005. On 9 November 2011 he was granted leave to remain as a tier 1 post-study migrant until 9 November 2013. On 21 October 2013 he married his wife, who is a British Citizen. On 5 November 2013 he applied for leave to remain on the basis of this marriage.
2. The appellant's application was refused by the respondent on the grounds that he did not satisfy the requirements of Appendix FM or Rule 276ADE of the Immigration Rules. The requirements of Appendix FM were not met because the appellant's annual income was £16,111, falling short of the required £18,600; and it was found that there were no insurmountable obstacles such that the exception in EX.1 should apply. With regard to Rule 276ADE, the respondent was not satisfied that the appellant could meet the requirements.

3. In a decision promulgated on 29 April 2015, the First-tier Tribunal dismissed the appellant's appeal under the Immigration Rules and under Article 8 ECHR. The appellant applied for and was granted permission to appeal.
4. By notice given on 5 October 2015 the appellant sought consent to withdraw his appeal. In accordance with section 17(2) of the Tribunal Procedure Rules consent to withdraw is given.
5. This matter is at an end and the decision of the First tier Tribunal promulgated on 29 April 2015 shall stand.

Signed



Deputy Upper Tribunal Judge Sheridan

Dated: 8 October 2015