



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

Appeal number: OA/15109/2013

THE IMMIGRATION ACTS

**Heard at Field House
On 23 October 2015**

**Decision & Reasons Promulgated
On 26 October 2015**

Before

UPPER TRIBUNAL JUDGE GLEESON

Between

TAMANNA AKTER

Appellant

and

**ENTRY CLEARANCE OFFICER
DHAKA**

Respondent

NOTICE OF WITHDRAWAL

1. The appellant, a citizen of Bangladesh, was successful in her appeal before the First-tier Tribunal against the respondent's decision to refuse her entry clearance to join her spouse, who is working as a chef in the United Kingdom. The respondent appealed to the Upper Tribunal and the appeal was heard on 16 July 2015. The Upper Tribunal's decision has not yet been promulgated.
2. On 17 August 2015, the Upper Tribunal received a letter from the appellant's sponsor husband, withdrawing his sponsorship for the appellant's application, as the parties intended to submit a fresh application shortly together. He stated that he had given his solicitors instructions not to pursue this application further. On 1 September 2015, the Upper Tribunal wrote to the husband, stating that the appellant herself

must withdraw her appeal. On 6 September 2015 the solicitors confirmed those instructions, stating that the parties intended instead to lodge a fresh application for entry clearance for her as the partner of a person present and settled in the United Kingdom, and confirming that their retainer in this appeal was at an end.

3. On 15 September 2015, and again by fax on 20 September 2015, the appellant herself confirmed that she did not wish to proceed with this application. She said, 'I don't want to continue this file because I apply a new file last month, so please close my all of case'. That is clear beyond any doubt. The appellant wishes to withdraw her challenge to the underlying decision. She also wishes to withdraw her case before the Upper Tribunal, in relation to the respondent's appeal against the First-tier Tribunal decision.
4. Pursuant to paragraph 17 of The Tribunal Procedure (Upper Tribunal) Rules 2008 (as amended), the permission of the Upper Tribunal is required for the Upper Tribunal withdrawal. The Tribunal consents to that withdrawal.
5. This Notice is to inform the parties that the appellant's appeal before the First-tier Tribunal and her case before the Upper Tribunal stand withdrawn.
6. The respondent's appeal is therefore dismissed.



Date: 10 May 2016

Signed:

Upper Tribunal Judge Gleeson