



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

Appeal Number: HU/01143/2016

THE IMMIGRATION ACTS

**Heard at Field House
On 8 November 2017**

**Notice Sent
On 27 November 2017**

Before

DEPUTY UPPER TRIBUNAL JUDGE HUTCHINSON

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**MR MD MAHFUZUR RAHMAN
(ANONYMITY DIRECTION NOT MADE)**

Respondent

Representation:

For the Appellant: Ms N Willocks-Briscoe, Senior Home Office Presenting Officer

For the Respondent: No appearance

NOTICE OF WITHDRAWAL

1. This was an appeal by the Secretary of State against a decision of First-tier Tribunal Judge S J Clarke, promulgated on 27 February 2017, in which she allowed Mr Rahman's appeal against the respondent's decision to refuse the appellant leave to remain under the family and private life provisions.
2. However the Tribunal received a letter dated 6 November 2017 from Taj Solicitors, the respondent's representatives, indicating that the Secretary of State had made a further decision on 9 June 2017, pursuant to the decision of Judge S J Clarke promulgated on 27 February 2017, who

remitted the case to the respondent. Mr Rahman's representatives appealed that decision on 22 June 2017 and are currently awaiting the fresh hearing on 30 May 2018 before the First-tier Tribunal (and provided documentary evidence of this chain of events).

3. Ms Willocks-Briscoe submitted that the Secretary of State's conduct, was consistent with what was said in the case of **Greenwood (No. 2) (para 398 considered) [2015] UKUT 00629 (IAC)**. Such is academic as Ms Willocks-Briscoe quite properly submitted that, given the actions of the Secretary of State in proceeding to make a further decision, she sought to withdraw the appeal before the Upper Tribunal.
4. Under Rule 17(1)(b) of the Tribunal Procedure (Upper Tribunal) Rules 2008, a party may give notice of the withdrawal of its case orally at a hearing. Under Rule 17(2) notice of withdrawal will only take effect if the Upper Tribunal consents to the withdrawal. Given, the circumstances, including that Taj Solicitors confirmed in writing on 6 November 2017 that they were not attending and could not see any merit in the Secretary of State proceeding with the appeal before the Upper Tribunal, I consent to the withdrawal of the appeal pursuant to Rule 17(2).

Notice

The appeal is withdrawn. The decision of First-tier Tribunal Judge S J Clarke stands.

No anonymity direction was sought or is made.

Signed

Date: 22 November 2017

Deputy Upper Tribunal Judge Hutchinson

TO THE RESPONDENT FEE AWARD

No fee was paid was sought or is made.

Signed

Date: 22 November 2017

Deputy Upper Tribunal Judge Hutchinson