



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

Appeal Number: IA/27535/2015

THE IMMIGRATION ACTS

**Heard at Field House
On 21 September 2017**

**Notice Promulgated
On 27 September 2017**

Before

DEPUTY UPPER TRIBUNAL JUDGE CHAMBERLAIN

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**HARPREET KAUR
(ANONYMITY DIRECTION NOT MADE)**

Respondent

Representation:

For the Appellant: Mr. I. Jarvis, Home Office Presenting Officer
For the Respondent: Mr. H. Kannagara, Counsel instructed by Malik Law
Chambers Solicitors

NOTICE

1. This is an appeal by the Secretary of State against the decision of First-tier Tribunal Judge N. J. Bennett, promulgated on 27 January 2017, in which he allowed Mrs. Kaur's appeal against the Respondent's decision to refuse to issue a residence card as confirmation of her right to reside in the United Kingdom.

2. At the outset of the hearing, having already spoken to Mr. Kannangara, Mr. Jarvis stated that he wished to withdraw the appeal pursuant to rule 17 of the Tribunal Procedure (Upper Tribunal) Rules 2008. He submitted that the grounds of appeal were misconceived. The judge had to consider the situation as at the date of the hearing. At the date of the hearing the judge had found that the Sponsor was exercising Treaty rights, albeit as a worker, not as a student. This finding had not been challenged, and was a lawful finding.
3. Under rule 17(1)(b) 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.
4. At the hearing I consented to the withdrawal of the appeal pursuant to rule 17(2).

Notice

5. The appeal is withdrawn.

Signed

Date 25 September 2017

Deputy Upper Tribunal Judge Chamberlain