



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: IA/09335/2013

THE IMMIGRATION ACTS

Heard at Field House
On 29 October 2013

Determination Promulgated
On 11 November 2013
.....

Before
THE RT HON. LORD BOYD
UPPER TRIBUNAL JUDGE RINTOUL

Between

CHARANJIT SINGH
(NO ANONYMITY ORDER MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the appellant: no appearance
For the respondent: Ms L Ong, Presenting Officer

DETERMINATION AND NOTICE

- 1 On 2 September 2013, the appellant was given permission to appeal against the decision of First-tier Tribunal Judge Warner promulgated on 31 July 2013 dismissing his appeal against the decision of the respondent made on 28 March 2013 to remove him from the United Kingdom pursuant to directions under section 10 of the Immigration and Asylum Act 1999.

- 2 We note that the appellant had, subsequent to the decision of 28 March 2013, the appellant made an application for asylum, submitting also that his removal to India was contrary to the United Kingdom's obligations pursuant to articles 2, 3, and 8 of the Human Rights Convention. That application was refused on 2 May 2013, and certified by the respondent as manifestly unfounded pursuant to section 94 of the Nationality, Immigration and Asylum Act 2002. There is no in-country appeal against that decision.
- 3 When the matter came before us, we were informed that the appellant had refused to be brought to Field House. We also received a fax from his representatives, indicating that they were no longer representing him.
- 4 Ms Ong explained that in light of the subsequent decision of the respondent on 2 May 2013, the respondent wished to withdraw the decision which has now been done. We can have no objection to that. The consequence of that, is that the respondent no longer resists the appellants appeal within the Upper Tier and we allow that appeal on the basis of the grounds upon which appeal was granted, and direct that it be remitted to the First-tier Tribunal.
- 5 We now reconstitute ourselves as a First-tier Tribunal to remake the decision which has been set aside. We are therefore bound by the Asylum and Immigration Tribunal (Procedure) Rules. Rule 17 of those rules provides that where the respondent (as here) notifies the Tribunal that the decision to which the appeal relates has been withdrawn, the appeal is to be treated as withdrawn.
- 6 Accordingly, there is no valid appeal before us. The decision of First-tier Tribunal Judge Warner is therefore of no effect.

SUMMARY OF DECISIONS

- 1 The determination of the First-tier Tribunal is set aside. We remake the decision by treating it as withdrawn
- 2 This disposes of the proceedings.

Signed:

Date: 5 November 2013



J K H Rintoul
Upper Tribunal Judge