



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

Appeal no: **IA/09371/2014**

**THE IMMIGRATION ACTS**

At **Field House**

**Determination**

**Promulgated**

on **23 July 2014**

**24<sup>th</sup> July 2014**

**Before**

**UPPER TRIBUNAL JUDGE PITT**

**Between**

**PARESH KANUBHAI KADIA**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**DECISION**

1. The appellant applied to the Upper Tribunal for permission to appeal the decision of the First-tier Tribunal dismissing his appeal.
2. On 14 July 2014 the appellant wrote to the Upper Tribunal withdrawing his appeal. That letter was not linked to the file until today, 23 July 2014.
3. On 22 July 2014 Upper Tribunal Judge Freeman considered the permission application. He dismissed it.
4. It remains the case that he did so without the appellant's withdrawal application having been put before him. It appears to me that I should set aside the decision of Upper Tribunal Judge Freeman in line with Rule 43(2) (d) as there has been a procedural irregularity and in line with paragraph 43 (1) (a) as it is in the interests of justice to do so.
5. The appeal to the Upper Tribunal is withdrawn in line with Rule 17.
6. The decision of First-tier Tribunal Khan promulgated on 3 June 2014 dismissing the appeal stands.

AA/06327/2011  
AA/06332/2011

**Signed:**   
**Upper Tribunal Judge Pitt**

**Dated:**