



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

Appeal Number: IA/16156/2008

THE IMMIGRATION ACTS

**Decided at Field House
On 8 December 2014**

**Decision sent out
On 9 December 2014**

Before

UPPER TRIBUNAL JUDGE DAWSON

Between

OMER HASSAN SULEYMAN

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION

1. On 21 October a memorandum and directions were sent to the parties in the following terms:

1. On 18 March 2009 Upper Tribunal Judge Freeman ordered reconsideration of the Tribunal decision under s.103A of the Nationality, Immigration and Asylum Act 2002.
2. The matter thereafter came before Upper Tribunal Judge Storey (together with a related appeal - AA/06564/2007) on 3 March 2011 when further directions were made.
3. The next development was the listing of the appeal for the decision to be remade on 16 June 2014 which was adjourned with a view to the case being

listed for country guidance. On 16 July 2014 the Secretary of State gave notification of withdrawal of the decision under appeal. The appellant's appeal was dismissed by the First-tier Tribunal for reasons given in its decision dated 26 February 2009. That decision has been set aside. Notwithstanding this new decision of the Secretary of State, the appellant's appeal remains pending before the Upper Tribunal.

4. There has been no proposal or comment by the appellant or his representatives with regard to the decision of the Secretary of State of 16 July 2014. In any event Rule 17(2) of the Tribunal Procedure (Upper Tribunal) Rules 2008 provides that the Upper Tribunal's consent is necessary for a party to withdraw its case.
 5. Having regard to the Secretary of State's decision to withdraw the underlying immigration decision, any future decision by the Upper Tribunal in the appeal will be academic as the Secretary of State has no power to remove the appellant without a further immigration decision which will give rise to a further right of appeal.
 6. Accordingly unless within five working days of the date this memorandum is sent out a proposal to the contrary is received, it will be assumed that the appellant no wishes to pursue his appeal in the Upper Tribunal which will be dismissed.
2. There has been no response from the parties. Accordingly this appeal is dismissed.

Signed

Date 8 December 2014



Upper Tribunal Judge Dawson