



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

Appeal Number: IA/16298/2012

**THE IMMIGRATION ACTS**

**On the papers at Field House  
on 10<sup>th</sup> November 2014**

**Determination  
Promulgated  
On 11<sup>th</sup> November 2014**

**Before**

**UPPER TRIBUNAL JUDGE HANSON**

**Between**

**JUNLIN LIANG  
(Anonymity direction not made)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**NOTICE OF WITHDRAWAL BY THE APPELLANT**

1. At a hearing on the 22<sup>nd</sup> February 2013 the Upper Tribunal considered and then adjourned the Appellants challenge to the determination of the First-tier Tribunal that dismissed his appeal under both the Immigration Rules and on human rights grounds. A direction for the Appellants removal made pursuant to section 47 Asylum, Immigration and Nationality Act 2006 was dismissed as having been found to be unlawful by the First-tier Tribunal which is not challenged by the Respondent.
2. The grounds of appeal assert procedural impropriety in refusing to adjourn the appeal pending the outcome of proceedings before the

Employment Appeal Tribunal brought by the Appellant against the termination of his employment, which were said to be determinative of the merits of the appeal. The Upper Tribunal considered this matter and agreed to adjourn the error of law hearing pending the outcome of the employment related proceedings.

3. There have been a number of interim case management hearings since to establish the progress of the Employment Tribunal hearing which resulted in the Upper Tribunal being advised that the Appellant had lost his case but had sought leave to appeal to the Employment Appeal Tribunal.
4. In fairness to the Appellant, he was told the Upper Tribunal would await the outcome of the Employment Appeal Tribunal decision before considering the error of law issue. On the 6<sup>th</sup> November 2014 the Employment Appeal Tribunal sent the Upper Tribunal a copy of the order of The Honourable Mrs Justice Simler dated 5<sup>th</sup> November 2014 made following the appeal being listed for consideration at a preliminary hearing at which the appeal was dismissed.
5. On the 10<sup>th</sup> November 2014 the Upper Tribunal received a letter from Mr Liang seeking leave to withdraw his appeal. It is appropriate in all the circumstances for permission to be granted for the appeal to be withdrawn. Consequently there is no extant challenge to the determination of the First-tier Tribunal which shall stand.
6. The hearing listed for 14<sup>th</sup> November 2014 shall be vacated.

Signed.....  
Judge of the Upper Tribunal

Dated the 10<sup>th</sup> November 2014