



IAC-FH-NL-V1

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

Appeal Number: IA/32715/2013

THE IMMIGRATION ACTS

Heard at Field House

On 22nd October 2014

**Determination
Promulgated**

On 30th October 2014

Before

DEPUTY UPPER TRIBUNAL JUDGE J G MACDONALD

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

MD ARAFAT HOSSAIN

Respondent

Representation:

For the Appellant: Mr S Whitwell, Senior Home Office Presenting Officer

For the Respondent: Mr T Binaziz, Counsel instructed by JS Solicitors

DECISION AND REASONS

1. The Respondent is a national of Bangladesh whose application to refuse to grant the Appellant leave to remain under the Tier 1 (Entrepreneur) points-based system was refused by the Secretary of State.

2. His subsequent appeal to Judge Devittie was allowed in respect of the Immigration Rules to the limited extent that the matter was remitted to the Respondent for a fresh decision.
3. Grounds of application were lodged and permission to appeal granted.
4. Mr Whitwell appeared on behalf of the Secretary of State and pointed out that documents referred to in the refusal letter which were said not to have been lodged were, in fact, before the Secretary of State.
5. In all the circumstances he requested permission to withdraw the appeal. Mr Binaziz was content to accept the position given that he could achieve no better outcome than that.
6. In the circumstances I permitted the Secretary of State's application to be withdrawn. The effect of this is that the decision stands and the Secretary of State will reconsider the papers and make a fresh decision.

Decision

7. The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.
8. I do not set aside the decision.

Signed

Date: **30th October 2014**

Deputy Upper Tribunal Judge J G Macdonald