



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Numbers: OA/05170/2013

**THE IMMIGRATION ACTS**

Heard at Newport, Cardiff  
On 25 March 2014

Determination Promulgated  
On 1<sup>st</sup> April 2014

Before

The President, The Hon. Mr Justice McCloskey and  
Vice-President Arfon-Jones

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

LORNA PRINGLE KERR

Respondent

**Representation:**

Appellant: Mr Richards, Senior Home Office Presenting Officer  
Respondent: Ms V Delgado (of Counsel), instructed by Duncan Lewis Solicitors

**DETERMINATION AND REASONS**

1. This appeal has its origins in a decision of the Entry Clearance Officer of Kingston, Jamaica whereby the Respondent's application to settle in the United Kingdom was refused. The Respondent's appeal against this decision was allowed by the First-tier Tribunal. The Secretary of State was subsequently granted permission to apply to this Tribunal.

2. Upon the hearing of this appeal, Mr Richards, representing the Secretary of State, applied for permission to withdraw the appeal. Elaborating, he explained that when the grounds of appeal were prepared no consideration was given to Counsel's notes of the hearing or the Respondent's bundle of evidence. Mr Richards also referred to the Respondent's Rule 24 Notice. His application was grounded on a concession that the appeal is not sustainable.
3. We acceded to the application. Accordingly, the Secretary of State is granted permission to withdraw the appeal under Rule 17(2) of the Tribunal Procedure (Upper Tribunal) Rules 2008.

**Signed:**

*Seamus McCloskey.*

THE HON. MR JUSTICE MCCLOSKEY  
PRESIDENT OF THE UPPER TRIBUNAL  
IMMIGRATION AND ASYLUM CHAMBER

Date: 27 March 2014