



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

Appeal Number: AA/05321/2009

THE IMMIGRATION ACTS

Heard at Birmingham

On 12 January 2015

**Decision & Reasons
Promulgated**

On 29 January 2015

Before

UPPER TRIBUNAL JUDGE DAWSON

Between

M B M

(ANONYMITY DIRECTION MADE)

and

Appellant

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: No appearance

For the Respondent: Mr Mills, Senior Presenting Officer

CONSENT TO WITHDRAWAL OF APPEAL

1. By letter dated 7 January 2015 the appellant's representatives indicated that the appellant had decided to withdraw his appeal in the Upper Tribunal as the Respondent had confirmed that the (pending) application for leave to remain will be considered in due course.
2. Mr Mills confirmed that the appellant has an application made in time pending before the Secretary of State which will require her to consider all grounds including the Human Right Convention Article 8 if this has been

raised. As the appeal before me was an upgrade appeal pursuant to s.83, this aspect would not be within my jurisdiction had the matter proceeded.

3. Accordingly I am satisfied that there are sound reasons for the appellant having decided to withdraw and I give my consent. These proceedings have been withdrawn with the consequence that there is no longer any outstanding challenge to the decision of the AIT.

Signed

Date 29 January 2015

A handwritten signature in blue ink, appearing to read "Dawson", with a horizontal line extending to the right.

Upper Tribunal Judge Dawson