



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

Appeal Number: AA/11513/2014

**THE IMMIGRATION ACTS**

**Heard at Bradford  
On 19<sup>th</sup> November 2015**

**Decision & Reasons  
Promulgated  
On 22<sup>nd</sup> December 2015**

**Before**

**UPPER TRIBUNAL JUDGE ROBERTS**

**Between**

**MR YASINE BADREDDINE  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr C Cole, Solicitor for Parker Rhodes Hickmotts Solicitors  
For the Respondent: Mrs R Pettersen, Home Office Presenting Officer

**DECISION ON WITHDRAWAL**

**Pursuant to Rule 17 of the Tribunal Procedure (Upper Tribunal) Rules  
2008**

1. This appeal came before me, following a grant of permission against the decision of First-tier Tribunal Judge AK Simpson, who in a decision promulgated on 9<sup>th</sup> July 2015, allowed the Appellant's appeal against the Respondent's refusal to issue him with an EEA Residence Card, to the limited extent of remitting the matter back to the Respondent. The appeal was also allowed on Article 8 grounds; and it is that matter which prompted the Respondent to seek permission to appeal the decision.

2. The Appellant is a citizen of Algeria and he sought to remain in the United Kingdom because he is in a durable relationship with a Polish national who is in the UK exercising Treaty rights.
3. Following discussion between the parties, Mrs Pettersen on behalf of the Respondent sought to withdraw the appeal on this basis.
  - The FtT Judge's decision to remit the matter to the Secretary of State for consideration of the Appellant's right to a Residence Card stands. This is on the basis that a finding has been made by the FtT Judge that the Appellant and his Polish national partner are in a durable relationship. That finding stands.
  - The Appellant and his representatives do not pursue implementation of the Article 8 ECHR findings made by the Judge.
4. Rule 17 of the Tribunal Procedure (Upper Tribunal) Rules 2008 provide that an appeal before the Upper Tribunal may be withdrawn only with the consent of that Tribunal. I hereby consent to the withdrawal of the appeal on the terms outlined above, which have been agreed by the representatives.
5. The effect is that the Secretary of State will now reconsider the Appellant's case in the light of the FtT's findings on the durable relationship existing between the Appellant and his Polish partner.

No anonymity direction is made

**Signature**

Judge C Roberts  
Judge of the Upper Tribunal

**Dated**