



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

Appeal Number: VA/16337/2013

THE IMMIGRATION ACTS

**Heard at Field House
On 26th January 2015**

**Notice sent
On 27th January 2015**

Before

Deputy Upper Tribunal Judge Rimington

Between

Entry Clearance Officer - Abu Dhabi

Appellant

And

WAJID ALI

Respondent

Representation:

For the Appellant: Sponsor only

For the Respondent: Mr S Whitwell, Home Office Presenting Officer

**NOTICE OF WITHDRAWAL AND
REASONS FOR THE TRIBUNAL GIVING CONSENT**

1. The application for permission to appeal was made by the respondent but nonetheless for the purposes of this decision I shall refer to the parties as they were termed before the First Tier Tribunal.
2. The appellant is a citizen of Pakistan born on 29th June 1990 and he appealed against the refusal of the Entry Clearance Officer dated 8th July 2013 to grant him a visit visa. On 22nd October 2014 First Tier Tribunal Judge S Taylor allowed the appellant's appeal under the Immigration rules.
3. An application for permission to appeal was made by the respondent and granted against the FTT Judge's decision by First Tier Tribunal Judge TRP Hollingworth on 5th December 2014.

4. The issue centred on whether the appellant had made an application prior to the commencement of Section 52 of the Crime and Courts Act 2013 on 25th June 2013 which restricted the grounds of appeal to human rights or race relations grounds. The judge had recorded the application as being made on 26th June 2013 but allowed the appeal under the Immigration Rules.
5. At the hearing Mr Whitwell confirmed that he had received confirmation from the Entry Clearance Officer stating that the appellant had indeed made the application on 24th June 2013 and indeed had paid the requisite fee at the latest by 24th June 2013 as per **Kaur (entry Clearance - date of application)** [2013] UKUT 00381 (IAC).
6. In the light of the above Mr Whitwell requested that there be consent for the matter to be withdrawn on behalf of the Entry Clearance Officer.
7. Permission of the Upper Tribunal is required for a party to withdraw its case. Having carefully considered the facts of this case as a whole, I give consent for such withdrawal.
8. Accordingly with my consent and pursuant to Rules 17(2) and 17(5) of the Tribunal Procedure (Upper Tribunal) Rules 2008 this appeal is recorded as "Withdrawn with the consent of the Upper Tribunal". This is a Notice pursuant to rule 17(5) to inform the parties that the appellant's case is withdrawn.
9. The effect of the respondent's case being withdrawn from the Upper Tribunal is that the proceedings before the Upper Tribunal are at an end. There is no appeal before the Upper Tribunal. The First-tier Tribunal's decision shall stand.

Signed:

Deputy Upper Tribunal Rimington

Date: 26th January 2015