



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

Appeal Number: AA058322015

THE IMMIGRATION ACTS

**Determined at Field House
On: 25 July 2017**

**Notice sent
On: 31 July 2017**

Before

UPPER TRIBUNAL JUDGE RINTOUL

Between

**F M
(ANONYMITY ORDER MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

NOTICE OF WITHDRAWAL AND

REASONS FOR THE TRIBUNAL GIVING CONSENT

1. The appellant and her daughter, K A, previously had appeals before the First-tier Tribunal bearing appeal numbers AA/10063/2014 and AA/10065/2014 respectively. Those appeals were allowed in a decision promulgated on 15 January 2015 allowing them on the limited ground that the decisions were not in accordance with the law. There does not appear to have been any timely application by the respondent against those decisions.
2. Subsequent to the decisions of 15 January 2015, the respondent made a fresh decision in respect of the appellant and her daughter, which was given the appeal number AA/05832/2015. That appeal was allowed on 18 May 2016

3. It appears that the respondent sought permission to appeal against that decision, within time, but using the old reference numbers. That has, understandably, caused a significant degree of confusion. In any event, permission was refused by First-tier Tribunal Judge Page on 15 June 2016.
4. On 1 June 2017, the appellant's solicitors wrote a pre-action protocol letter regarding the ongoing failure to issue biometric residence permits to them. The respondent replied on 7 June 2017, stating that she was awaiting a decision from the Upper Tribunal on a renewed application for permission to appeal but that, importantly, they would not now be seeking to pursue it, and would implement the decision of 18 May 2016.
5. This information was not, however, conveyed to the Tribunal and permission to appeal to the Upper Tribunal was granted on 19 June 2017.
6. The appellant and her daughter have now been recognised as refugees and granted leave to remain.
7. Consent of the Upper Tribunal is required for a party to withdraw its case. Having carefully considered the facts of this appeal as a whole, and observing that the appellants were the successful party before the First-tier Tribunal, and have now been granted leave as refugees, I give such consent for the case to be withdrawn.
8. Accordingly, with my consent, and pursuant to rule 17(5) of the Tribunal Procedure (Upper Tribunal) Rules 2008, this appeal is recorded as "Withdrawn with the consent of the Upper Tribunal".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 and the First-tier Tribunal's decision, allowing the appellants' appeals, shall stand.
10. In all the circumstances of this case, it is not appropriate to make any costs order.

Signed

Date: 25 July 2017



Upper Tribunal Judge Rintoul