



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

Appeal Number: HU/08391/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 15 January 2021**

**Decision & Reasons
Promulgated
On 4 March 2021**

Before

UPPER TRIBUNAL JUDGE ALLEN

Between

**TRUPTIBEN SANJAYBHAI PATEL
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms R Chapman instructed by Bindmans LLP

For the Respondent: Mr P Deller, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant appealed to a Judge of the First-tier Tribunal against the Secretary of State's decision of 13 March 2018 refusing her application for entry clearance. She appealed this decision to the Upper Tribunal, and permission was granted by a Judge of the Upper Tribunal following a successful Cart judicial review of the Upper Tribunal's earlier refusal of permission. The decision of the First-tier Tribunal was set aside by the Upper Tribunal Judge in his decision of 23 April 2020.

2. There was subsequently a CMR before me at which Ms Chapman, instructed by Bindman & Co, appeared for the appellant and Mr P Deller appeared on behalf of the Secretary of State. Mr Deller undertook to review the decision in the light of up-to-date evidence and having done so, was content to agree that the First-tier Tribunal had materially erred in law such that its determination should be set aside and the appeal should be retained in the Upper Tribunal and allowed. Subsequently a consent order under Rule 39(1) has been provided in which, among other things, the respondent made her position clear as set out in Mr Deller's note and asked for the Tribunal's consent to withdraw her case under Rule 17(2).
3. I agree with the points made in the consent order and provide the Tribunal's consent to the respondent to withdraw her case under Rule 17(2).
4. The appeal of the appellant against the decision of the Entry Clearance Officer is allowed.

No anonymity direction is made.



Signed

Date

3rd March 2021

Upper Tribunal Judge Allen