



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

Appeal Number: IA/03776/2013

Promulgated on: 4th September 2013

THE IMMIGRATION ACTS

Before

UPPER TRIBUNAL JUDGE O'CONNOR

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

MS ZULEIKHA VALLAINI

Respondent

NOTICE OF WITHDRAWAL AND

REASONS FOR THE TRIBUNAL GIVING CONSENT

1. I shall refer to Ms Vallaini, who was the appellant before the First-tier Tribunal, as the claimant.
2. The claimant was born 5 April 1927. She entered the United Kingdom as a visitor on 16 September 2011 and on 16 March 2012 applied for indefinite leave to remain as the dependent parent of her sponsor and son, Mr Hakam Valliani, a British Citizen. On 23 January 2013 the Secretary of State refused to vary the claimant's leave and, at the same time, issued a decision to remove her from the United Kingdom.
3. The claimant appealed these decisions to the First-tier Tribunal. First-tier Tribunal Judge Hubball allowed the appeal on human rights grounds (Article 8 ECHR) in a

determination promulgated on the 15 July 2013. The Secretary of State was granted permission to appeal to the Upper Tribunal by way of a decision dated 29 July 2013.

4. By way of a letter from Marks and Marks Solicitors dated 31 July 2013 the Upper Tribunal were, most regrettably, notified that the claimant passed away on 12 July 2013.
5. As a consequence of the terms of this letter, and its attachments, I sent directions to the parties on the 15 August 2013 in the following terms:

[1] The Upper Tribunal has been provided with a death certificate relating to Ms Vallaini indicating that regrettably she passed away on the 12 July 2013.

[2] In these circumstances unless, within fourteen days of the date of the sending out of these directions, either party provides notice to the Upper Tribunal in writing, with supporting reasons, that they wish to pursue these proceedings, the Upper Tribunal will (i) treat the Secretary of State as having withdrawn its case before the Upper Tribunal and (ii) treat the appellant's representatives as having no objection to the tribunal giving consent to such withdrawal.

6. Neither party responded to these directions.
7. Having considered the facts of this case as a whole, and noted the lack of response to the directions, I shall do exactly that which I stated I would do in paragraph 2 of the directions.
8. I treat the Secretary of State, with the tribunal's consent, as having withdrawn her case before the Upper Tribunal. 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 Secretary of State's case is withdrawn.
9. The effect of the Secretary of State withdrawing her case before 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:



Upper Tribunal Judge O'Connor
Date: 2 September 2013