Upper Tribunal
(Immigration and Asylum Chamber)

Appeal number:
OA/02605/2011

THE IMMIGRATION ACTS

Decided at Field House
On 3rd October 2013

Sent to parties on:
4th October 2013

Before

UPPER TRIBUNAL JUDGE COKER

Between

KHAN ZAMAN

Appellant

and

ENTRY CLEARANCE OFFICER

Respondent

Notice of withdrawal of case pursuant to paragraph 17 of The Tribunal Procedure (Upper Tribunal) Rules 2008 (as amended)

1. The appellant appealed against a decision of the First-tier Tribunal who dismissed his appeal against a decision to refuse to grant entry clearance for 27 months as the spouse of a British Citizen settled in the UK.

2. The appellant was granted permission to appeal to the Upper Tribunal and on 2nd October 2012 DUTJ Pickup found that there was an error of law such that the decision be set aside to be remade. He adjourned the hearing and made directions for the resumed hearing

© CROWN COPYRIGHT2013

3. On 5th September 2013 the respondent's representative wrote to the Upper Tribunal notifying them that the respondent had confirmed that the appellant's application had been received on 5th October 2010 and thus did not fall within the transitional arrangements; the Entry Clearance Manager had made arrangements to withdraw the decision and that entry clearance would be issued. A letter dated 6th September from the appellant's representatives confirmed they had received confirmation from the respondent that the 'matter has been withdrawn and entry clearance will be issued'. Accordingly they said they would not be attending a resumed hearing.

4. The respondent may withdraw her decision under rule 17 of the Asylum and Immigration Tribunal (Procedure) Rules 2005 (as amended); however, in order to withdraw an appeal before the Upper Tribunal, under paragraph 17 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (as amended), the consent of the Upper Tribunal is required.

5. In the circumstances set out above the Tribunal consents to the withdrawal of this appeal before the Upper Tribunal. Since the refusal decision has also been withdrawn, there is now no valid appeal before either the First-tier Tribunal or the Upper Tribunal.

Date: Signed

Upper Tribunal Judge Coker