



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

Appeal Number: IA/14668/2013

THE IMMIGRATION ACTS

Considered at : Field House

On : 25 March 2014

**Determination
Promulgated**

On : 11 April 2014

Before

UPPER TRIBUNAL JUDGE KEBEDE

Between

Olasoji Olajide Atolagbe

and

Appellant

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DETERMINATION AND REASONS

1. In a decision made on 6 January 2014 Deputy Upper Tribunal Judge Rimington set aside the First-tier Tribunal's decision of 9 August 2013 allowing the appellant's appeal against the respondent's decision to refuse to issue him with a residence card under the Immigration (EEA) Regulations 2006 and directed that the decision be re-made in the Upper Tribunal at a resumed hearing.
2. In a letter dated 13 February 2014 the appellant's legal representatives advised the Upper Tribunal that the appellant wished to withdraw his appeal. In response, the Upper Tribunal issued directions on 17 February 2014 giving its consent to the withdrawal by the appellant of his case

before it, pursuant to rule 17 of the Tribunal Procedure (Upper Tribunal) Rules 2008 and proposing, in the absence of any objection, to treat the respondent's decision to refuse to issue the residence card as unchallenged.

4. In the absence of any objection to that proposal, the Upper Tribunal treats as unchallenged the respondent's decision to refuse to issue the appellant with a residence card. The appellant's appeal before the Upper Tribunal is accordingly dismissed.

DECISION

5. The making of the decision of the First-tier Tribunal involved an error on a point of law and has been set aside. The decision is re-made by dismissing the appeal.

Signed
Date

Upper Tribunal Judge Kebede