



**Upper Tribunal  
(Immigration and Asylum Chamber)  
Number: IA/21848/2012**

**Appeal**

**THE IMMIGRATION ACTS**

**Determined without a hearing  
on 17 January 2014 pursuant to rule 34  
of the Tribunal Procedure (Upper Tribunal)  
Rules 2008**

**Determination  
Promulgated  
On 20 January 2014**

**Before**

**UPPER TRIBUNAL JUDGE PETER LANE**

**Between**

**VRISHALI HARIDAS NAGDIVE**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**DECISION**

1. On 23 July 2013, I gave directions in this case, in which I indicated that the Upper Tribunal was minded to set aside under rule 45 of the Tribunal Procedure (Upper Tribunal) Rules 2008 the determination of the Upper Tribunal promulgated on 8 March 2013 and to substitute a fresh decision

in the appeal brought by the appellant against the Secretary of State's removal and refusal of leave decisions.

2. In all the circumstances, including those I am about to mention, and pursuant to the overriding objective in rule 2, I consider it is appropriate to proceed under rule 34, without a hearing.
3. In the light of the reported decision in Nasim and others (Raju: reasons not to follow?) [2013] UKUT 00610 (IAC), the setting aside of the determination of 8 March is plainly necessary and I do so. Given that the appellant has been granted leave to remain in another capacity, she can have no continuing interest in the present proceedings. The grant of leave has the effect of statutorily abandoning the appeal brought against the Secretary of State's decisions (section 104(4A) of the Nationality, Immigration and Asylum Act 2002).

### **Decision**

4. The determination of 8 March 2013 is set aside under rule 45. I re-make the decision in the appellant's appeal by recording that appeal as being abandoned, pursuant to section 104(4A) of the 2002 Act.



Signed

Judge of the Upper Tribunal

Date: 17 January 2014