



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

Appeal Number: OA/01517/2014

**THE IMMIGRATION ACTS**

**Heard at Columbus House, Newport  
Reasons Promulgated  
On 27<sup>th</sup> November 2014**

**Decision and  
On 1<sup>st</sup> December 2014**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE HARRIES**

**Between**

**ENTRY CLEARANCE OFFICER**

Appellant

**And**

**MRS SWETA CHIRAG MEHTA  
(ANONYMITY DIRECTION NOT MADE)**

Respondent

**Representation:**

For the Appellant: Mr P Duffy, Home Office Presenting Officer  
For the Respondent: Not represented

**DECISION AND REASONS**

1. The appellant in the Upper Tribunal is the entry clearance officer (ECO). He was on 12<sup>th</sup> September 2014 granted permission to appeal to the Upper Tribunal against the decision of First-tier Tribunal Judge Bell (the Judge). She allowed the appeal of the respondent, Mrs Sweta Chirag Mehta, in a determination promulgated on 22<sup>nd</sup> July 2014, against the ECO's decision to refuse her entry clearance as the dependant of a Tier 2 Migrant.

2. The matter was accordingly listed before me for initial hearing to determine whether the decision of the First-tier Tribunal involved the making of an error on a point of law. However, at the outset of the hearing, before the disposal of the proceedings, the Home Office Presenting Officer, Mr Duffy, gave oral notice of withdrawal of the ECO's case in accordance with Rule 17(1)(b) of the Tribunal Procedure (Upper Tribunal) Rules 2008. Since the initial refusal of her application Mrs Mehta has been granted a visa and her entry to the United Kingdom is accordingly no longer opposed.
3. There is no provision for a party to withdraw its appeal before the Upper Tribunal. However, Rule 17 of the Tribunal Procedure (Upper Tribunal) Rules 2008 provides for a party to withdraw its case, or any part of it, before the Upper Tribunal with the consent of the Tribunal. The written notice or oral representation of the party serves only, in accordance with Rule 17(2), as notice of withdrawal of the case before the Upper Tribunal and takes effect only when Upper Tribunal gives consent in accordance with Rule 17(2) as follows:

**Withdrawal(a)**

17.—(1) Subject to paragraph (2), a party may give notice of the withdrawal of its case, or any part of it—

(a) [ ] by sending or delivering to the Upper Tribunal a written notice of withdrawal; or

(b) orally at a hearing.

(2) Notice of withdrawal will not take effect unless the Upper Tribunal consents to the withdrawal except in relation to an application for permission to appeal.

4. The Upper Tribunal gives consent to the withdrawal of the appellant's case and decision of the First-tier Tribunal now stands unchallenged so that the appeal before the Upper Tribunal falls to be dismissed.

**Notice of decision**

5. The appeal before the Upper Tribunal is dismissed and the decision of the First-tier Tribunal therefore stands.

**Direction Regarding Anonymity - Rule 13 of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014**

The position remain that the First-tier Tribunal made no such direction.

Signed

J Harries

Deputy Upper Tribunal Judge Harries

Date: 30<sup>th</sup> November 2014