



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

Appeal Number: IA/08227/2013

THE IMMIGRATION ACTS

**Heard at Field House
On 10 March 2015**

**Determination
Promulgated
On 12 March 2015**

Before

UPPER TRIBUNAL JUDGE ESHUN

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

ISMAIL GUTALE

Respondent

Representation:

For the Appellant: Mr. T Wilding, HOPO

For the Respondent: Ms G Mellon, Counsel

DECISION

1. Mr Wilding made an application for permission under Rules 17 of the Upper Tribunal Procedure Rules to withdraw the Secretary of State's decision so that the respondent's case can be reconsidered. The application which had been made in writing on 9 March 2015 was principally based on the country guidance case of **MOJ & Ors (Return to Mogadishu) (Rev 1) CG [2014] UKUT 442**. This was opposed by Ms Mellon who relied on the

Upper Tribunal's decision in **SM (withdrawal of appealed decision: effect) Pakistan [2014] UKUT 00064.**

2. After hearing submissions by the parties, I decided to accept the Secretary of State's application to withdraw her decision in this case.
3. Consequently, the appeal under section 82 of the Nationality, Immigration and Asylum Act 2002 is no longer pending.

Signed

Date **10 March 2015**

Upper Tribunal Judge Eshun