



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

Appeal number: IA/17099/2014

THE IMMIGRATION ACTS

**Heard at Manchester
On October 12, 2015**

**Decision and Reasons
Promulgated
On October 13, 2015**

Before

DEPUTY UPPER TRIBUNAL JUDGE ALIS

Between

**MISS VICTORIA JIMOH
(NO ANONYMITY DIRECTION)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

Appellant

Not present

Respondent

Mr Harrison (Home Office Presenting Officer)

DETERMINATION AND REASONS

1. The appellant is a national of Nigeria. The background to this case is that the appellant was refused permission to remain in the United Kingdom as a Tier 1 (Entrepreneur) Migrant under the points based system on March 18, 2014. She appealed that decision on April 9, 2014 under section 82(1) of the Nationality, Immigration and Asylum Act 2002.

2. The matter was heard by Judge of the First-tier Tribunal Grant on November 24, 2014 and in a decision promulgated on December 5, 2015 the Tribunal refused her appeal under the Immigration Rules.
3. The appellant applied for permission to appeal on December 16, 2014 submitting the Tribunal had erred. Permission to appeal was granted by Judge of the First-tier Tribunal Osborne on January 28, 2015 on the basis that the Tribunal may have misunderstood the appellant's oral evidence.
4. The respondent filed a Rule 24 response on February 3, 2015 maintaining that the Tribunal had made a finding that was open to it.
5. The matter originally came before Deputy Upper Tribunal Judge Davey on May 1, 2015 when the case was adjourned with directions. On August 11, 2015. Principal resident judge Dawson gave further directions as to the disposal of the matter and the matter was listed before me on the above date.
6. The appellant's solicitors, on her instructions, informed the Tribunal that she wished to withdraw her appeal as she intended to make a fresh application in a different category. The solicitors asked that the Tribunal treated the letter as her formal request to withdraw her appeal.
7. Mr Harrison, on behalf of the respondent, did not oppose this request.
8. Under Rule 17(1) of the Tribunal Procedure (Upper Tribunal) Rules 2008 as party may give notice of withdrawal either in writing or orally. In light of the content of the letter dated October 9, 2015 I give consent under Rule 17(2) of the 2008 Rules.
9. The First-tier Tribunal did not make an anonymity direction and pursuant to Rule 14 of The Tribunal Procedure (Upper Tribunal) Rules 2008 I see no reason to make an order now.

DECISION

10. There was no material error. I uphold the original decision.

Signed:

Dated:



Deputy Upper Tribunal Judge Alis

**TO THE RESPONDENT
FEE AWARD**

I make no fee award as the appeal has been dismissed.

Signed:

Dated:

A handwritten signature in black ink, appearing to read "SPAL" with a flourish underneath.

Deputy Upper Tribunal Judge Alis