



Upper Tribunal

(Immigration and Asylum Chamber)

Appeal Numbers: IA/49667/2014

IA/49668/2014

THE IMMIGRATION ACTS

**Determined at Bennett House, Decision & Reasons Promulgated
Stoke**

On: 14th September 2015

On 21st September 2015

Before

UPPER TRIBUNAL JUDGE MARTIN

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**SONIA AMARACHI PHILLIPS
HONOUR IKENNA PHILLIPS
(Anonymity Direction not made)**

Respondents

**NOTICE OF WITHDRAWAL AND
REASONS FOR THE TRIBUNAL GIVING CONSENT**

1. The Respondents are citizens of Nigeria and are minors. They applied, with their mother for permanent residence cards as persons who had retained a right of residence following mother's divorce from an EEA national. The children were the step children of the EEA national and thus in accordance with Regulation 7 of the EEA Regulations, family members and were such at the date of the decree absolute. In accordance with Regulation 10(5) they, like their mother, retained their right of residence.
2. The Secretary of State refused all three applications.

3. Before the First-tier Tribunal it was accepted that the EEA national was a qualifying person at the date of decree absolute. The Judge found all three succeeded, although not for permanent residence.
4. The Secretary of State sought and was granted permission to appeal in relation to the children only, presumably in the mistaken belief that as step-children they did not retain their right of residence; the grounds are unclear.
5. The matter was listed before me to decide in the Upper Tribunal on 14th September 2015.
6. I was informed at the hearing by the representatives on the telephone that the Secretary of State had clearly realised her error and both children have been issued with Residence cards. On that basis Mr McVeety, on behalf of the Secretary of State requested permission to withdraw his case before the Upper Tribunal.
7. Consent of the Upper Tribunal is required for a party to withdraw its case. Having carefully considered the facts of this appeal as a whole, I give consent to the Secretary of State to withdraw her case.
8. Accordingly with my consent, and pursuant to rule 17(5) of the Tribunal Procedure (Upper Tribunal) Rules 2008, this appeal is recorded as "Withdrawn with the consent of the Upper Tribunal". This is a Notice pursuant to rule 17(5) to inform the parties that the Secretary of State's case is withdrawn.
9. The effect of the Secretary of State's case being withdrawn from the Upper Tribunal is that the proceedings before the Upper Tribunal are at an end. There is no appeal before the Upper Tribunal and the First-tier Tribunal's decision shall stand.

Signed:

Upper Tribunal Judge Martin

Date: 15th September 2015