Upper Tribunal
(Immigration and Asylum Chamber) **Appeal Number: IA/12144/2015**

THE IMMIGRATION ACTS

Heard at Glasgow	**Decisions and Reasons Promulgated**
On 27th May 2016	**On 4th July 2016**

Before

MR C M G OCKELTON, VICE PRESIDENT
DEPUTY UPPER TRIBUNAL JUDGE DOYLE

Between

MUHAMMAD AHMAD NADEEM
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr S Hughes (Advocate) instructed by HaqHamilton, solicitors
For the Respondent: Mr M Matthews, Senior Home Office Presenting Officer

DECISION AND REASONS

1. We have considered whether any parties require the protection of an anonymity direction. No anonymity direction was made previously in respect of this Appellant. Having considered all the circumstances and evidence we do not consider it necessary to make an anonymity direction.

2. This is an appeal by the Appellant against the decision of First-tier Tribunal Judge Bircher, promulgated on 12 August 2015, which dismissed the Appellant's appeal.

Background

3. The Appellant was born on 27 November 1972 and is a national of Pakistan. The appellant entered the UK as a student on 17 May 2009. The respondent granted extensions of leave to remain as a student until 2 July 2015, but on 10 December 2014 the respondent curtailed the grant of leave to remain, so that it expired on 13 February 2015.

4. On 12 February 2015 the appellant applied for leave to remain as a Tier 2 (General) Migrant. On 12 March 2015 the Secretary of State refused the Appellant's application.

The Judge's Decision

5. The Appellant appealed to the First-tier Tribunal. First-tier Tribunal Judge Bircher ("the Judge") dismissed the appeal against the Respondent's decision.

6. Grounds of appeal were lodged and on 24 February 2016 Upper Tribunal Judge Goldstein gave permission to appeal stating *inter alia*

> *"2. This renewed application demonstrates that the First-tier Tribunal may have made an error of law in its approach to the requirements of paragraph 245HD(f) of the immigration rules and in particular to paragraphs 76 to 79D of appendix A: attributes, against the backdrop of the evidence before it, and raises arguable issues as to whether the First-tier Tribunal was entitled in law to reach the conclusions that it did for the reasons given.*
>
> *"3. I have thus concluded in the circumstances, that permission to appeal should be granted in respect of all grounds."*

The Hearing

7. Mr Hughes, counsel for the appellant, told us that the appellant accepts his advice that the appeal had no prospect of success, and sought leave to withdraw the appeal. Mr Matthews, for the respondent, did not oppose the application to withdraw the appeal.

8. Mindful of rule 17(2) of The Tribunal Procedure (Upper Tribunal) Rules 2008, we accept withdrawal of the appellant's case. As a result, his appeal to the Upper Tribunal is dismissed.

Signed Date 1st July 2016

Deputy Upper Tribunal Judge Doyle