



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

Appeal Number: IA/24119/2014

THE IMMIGRATION ACTS

**Determined at Field House
On 5 May 2016**

**Determination & Reasons
Promulgated
On 17 May 2016**

Before

UPPER TRIBUNAL JUDGE ESHUN

Between

ELVIS ANTHONY SMITH

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr. P Haywood, Counsel
For the Respondent: Mr. I Jarvis, HOPO

NOTICE OF WITHDRAWAL

1. The respondent obtained permission to appeal to the Upper Tribunal against a decision of the First-tier Tribunal promulgated on 25 August 2015 allowing the appeal of the appellant on a limited basis. The First-tier

Tribunal remitted the case to the Secretary of State so that the immigration history of the appellant can be clarified; and a further decision can be made, against which further appeal rights will lie.

2. An error of law has been established.
3. I consented to the withdrawal of the Secretary of State's decision, which in turn led to the withdrawal of the appellant's case.
4. On agreement, the appellant will submit to the Secretary of State an application for leave to remain on the right form (SET(LR)) and pay the appropriate fee within 28 days of this Notice.
5. 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consent, and pursuant to rule 17(5) of the Tribunal Procedure (Upper Tribunal) Rules 2008, this appeal is recorded as "withdrawn with the consent of the Upper Tribunal". The effective of this is that the proceedings before the Upper Tribunal are at an end.

Signed
Upper Tribunal Judge Eshun

Date