



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

Appeal Number: IA/49308/2014

THE IMMIGRATION ACTS

Heard at Field House

Decision & Reasons

Promulgated

On 15 December 2015

On 12 January 2016

Before

DEPUTY UPPER TRIBUNAL JUDGE MURRAY

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

R K

(Anonymity has been directed)

Respondent

Representation:

For the Appellant: Mr Kotas, Home Office Presenting Officer

For the Respondent: No representation

DETERMINATION AND REASONS

1. The appellant in these proceedings is the Secretary of State. However for convenience I shall now refer to the parties as they were before the First-tier Tribunal.
2. The appellant is a citizen of India born on 30 July 1976. He appealed against the decision of the respondent dated 19 November 2014 refusing to grant him permanent residence in the United Kingdom. He was last admitted to the United Kingdom as the family member of an EEA national until 2 October 2014. The appeal was heard by Judge of the First-tier Tribunal P J I Hollingworth on 8 June 2015 and the appeal was allowed in a decision promulgated on 22 June 2015. An application for permission to

appeal was lodged and permission was allowed by Judge of the First-tier Tribunal Keane on 7 September 2015. The permission states that the First-tier Judge failed to give reasons or any adequate reasons for finding that the appellant and his EEA national spouse had given truthful evidence. The permission states that the First-tier Judge did not refer to the regulations and it was unclear whether he bore the regulations in mind in deciding and more over in allowing the appeal. The permission states that the grounds of appeal disclose arguable errors of law but for which the outcome of the appeal might have been different.

3. There is no Rule 24 response.

The Hearing

4. The Presenting Officer submitted that the respondent is withdrawing her appeal.
5. The Presenting Officer informed me that he had been in touch with the appellant's representative and they are satisfied with this outcome.
6. I told the Presenting Officer that I accept the situation under Rule 17(1)(a) of the Upper Tribunal Procedure Rules 2008.
7. I consent to the withdrawal of the appeal by the Secretary of State.
8. Anonymity has been directed.

Signed

Date

Deputy Upper Tribunal Judge Murray