



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: IA/15947/2012

THE IMMIGRATION ACTS

Heard at Field House
On 28th November 2013

Determination Promulgated
On 12th December 2013

Before

UPPER TRIBUNAL JUDGE KING TD

Between

MS AGATA MARCZAK

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: No appearance [by arrangement]
For the Respondent: Ms S. Kiss, Senior Home Office Presenting Officer

NOTICE OF WITHDRAWAL OF DECISION AND APPEAL

1. On 2nd July 2012 the respondent notified a decision to make a deportation order so as to remove the appellant from the jurisdiction.

2. The appellant sought to appeal against that decision which appeal came before First-tier Tribunal Judge Sullivan and Mr Yates (non-legal member) on 3rd November 2012. The appeal was dismissed both under the Immigration Rules and in respect of human rights.
3. Grounds of appeal were submitted against that decision which led to the granting of permission to appeal. At a hearing on 16th April 2013 Deputy Upper Tribunal Judge Lewis set aside that decision on the grounds of error of law and directed that that decision should be remade in the Upper Tribunal.
4. The matter came before me on 12th September 2012 when further directions were issued. In particular the respondent was invited to reconsider her decision of 2nd July 2012 in the light of the policies extant and the extra material supplied.
5. By a letter of 11th November 2013 the Home Office notified the Tribunal and those acting on behalf of the appellant of their decision not to deport the appellant. The respondent thereby sought permission to withdraw the decision of 2nd July.
6. There was no response made to that letter by those acting on behalf of the appellant such that it was necessary for the Tribunal to contact them on the day before the scheduled hearing. It was indicated that there was no objection by the appellant to the withdrawal of the decision and in those circumstances there would be no purpose in any attendance at the hearing. The outcome which the appellant sought by reason of the appeal had now been achieved.
7. Therefore pursuant to Rule 17(2) of the Tribunal Procedure (Upper Tribunal) Rules 2008 I give permission to the respondent to withdraw her case and her decision.
8. Further I will treat the consent of the appellant to that course of action to be a request and an agreement that her appeal is also withdrawn contingent upon the withdrawal of the decision.
9. This is a notice pursuant to Rule 17(5) of the Tribunal Procedure (Upper Tribunal) Rules 2008 to the parties to the decision that the immigration decision is withdrawn at the respondent's request with the permission of the Upper Tribunal and that the appeal based upon the original decision is now also withdrawn with permission of the Upper Tribunal.

This then brings to a conclusion the proceedings in this matter before the Tribunal.

Signed

Date

Upper Tribunal Judge King TD