



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

Appeal Number: IA/19547/2013

THE IMMIGRATION ACTS

**Heard at Field House
On 19 September 2014**

**Determination
Promulgated
On 22 September 2014**

Before

DEPUTY UPPER TRIBUNAL JUDGE GIBB

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

MOHAMMAD AMRAN KHAN

Respondent

Representation:

For the Appellant: Mr Avery, Home Office Presenting Officer
For the Respondent: Mr Richardson, Counsel, instructed by Morgan Mark Solicitors

NOTICE OF WITHDRAWAL

1. This is an appeal that was allowed at the First-tier.
2. The Secretary of State had been given permission to appeal against a decision allowing the appellant's appeal under the Tier 1 Entrepreneur Rules. This decision was by First-tier Tribunal Judge Swaniker, in a determination promulgated on 30 April 2014.

3. At the hearing before me Mr Avery, for the Secretary of State, sought leave to withdraw the Secretary of State's case before the Upper Tribunal. The basis of this application was that a legal letter had in fact been provided with the application, and Mr Avery did not seek to go outside the tightly drafted grounds on which permission was granted.
4. There was some discussion as to a minor error in [14] of the determination in relation to the need within paragraph 41-SD for such a letter, but it was accepted that this did not alter the position.
5. Having considered the matter I gave leave for the withdrawal of the Secretary of State's case in accordance with Rule 17 of the Tribunal Procedure (Upper Tribunal) Rules 2008.
6. As a consequence of the withdrawal the judge's decision allowing the appeal on stands.

Signed

Date

Deputy Upper Tribunal Judge Gibb