



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

Appeal Number: IA/46893/2013

THE IMMIGRATION ACTS

Before

UPPER TRIBUNAL JUDGE HANSON

Between

VICKY RUIZ FAMA
(anonymity direction not made)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

NOTICE OF STATUTORY ABANDONMENT

1. The determination of the First-tier Tribunal in relation to this matter was set aside on 22nd May 2014. A number of directions and interims hearing have occurred since in relation to the evidence.
2. On 5th January 2015 the Respondent requested further time to consider the additional evidence following which a letter was written to the Appellants solicitors. A copy of the material parts of the letter is set out below.
3. As a period of leave as been granted the appeal must be treated as abandoned. Section 104 (4A) Nationally, Immigration and Asylum Act 2002 stating:

“ An appeal under section 82(1) brought by a person whilst he is in the United Kingdom shall be treated as abandoned if the appellant is granted leave to enter or remain in the United Kingdom.”

4. As the appeal must be treated as abandoned by the effect of the statutory provisions there is no longer an outstanding matter before the Upper Tribunal upon which a decision can or needs to be made. The matter is concluded.

Dear Sirs

Re: Ms Vicky Ruiz Fama Philippines 27 October 1960

Further to your above named client's immigration matter, we have reconsidered her application of 02 August 2013 in light of the further evidences submitted with regard to the care support she is providing for Master Theodore Mandic-Tyler.

As per the original refusal notice of 24 October 2013, your client is unable to meet the requirements of paragraph 159D of the Immigration Rules for an extension of stay as a domestic worker in a private household.

However, the Secretary of State has agreed to exercise discretion in your client's favour and grant her limited leave to remain outside of the provisions of the Immigration Rules in light of the particular circumstances of her case.

Your client has therefore been given leave to remain in the United Kingdom outside of the Immigration Rules for an initial period of 12 months until 26 January 2016 subject to the condition that she remains in the employment of Ms Gordana Mandic and Mr Peter Tyler as a carer for Master Theodore Mandic-Tyler.

Yours faithfully

Decision

5. **The appeal is abandoned. There remains no extant matter upon which the Upper Tribunal is required to make a decision.**

Signed.....
Upper Tribunal Judge Hanson

Dated the 18th March 2015