



**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: EA/09510/2016**

THE IMMIGRATION ACTS

**Determined at Field House
On: 28 June 2017**

**Decision & Reasons Promulgated
On: 29 June 2017**

Before

**UPPER TRIBUNAL JUDGE RINTOUL
DEPUTY UPPER TRIBUNAL JUDGE S JUSS**

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

ZUZANNA JADWIGA KUSTOS-BYRSKA

Respondent

Representation

For the appellant: Mr P Duffy, Senior Home Office Presenting Officer

For the respondent: in person

**NOTICE OF WITHDRAWAL AND
REASONS FOR THE TRIBUNAL GIVING CONSENT**

1. The Secretary of State appealed with permission against the decision of First-tier Tribunal Judge Agnew promulgated on 7 December 2016 allowing the respondent's appeal against her decision made on 12 July 2016 to refuse to grant her a residence card as confirmation of her permanent right of residence.
2. When the matter came before us, Mr Duffy sought permission to withdraw the Secretary of State's case. It now transpires that in any event, Ms

Kustos-Byrska's husband who is also a Polish citizen, has lived and worked in the United Kingdom for more than 10 years.

3. Consent of the Upper Tribunal is required for a party to withdraw its case. Having carefully considered the facts of this appeal as a whole, and observing that the respondent was the successful party before the First-tier Tribunal, I give such consent for the case to be withdrawn.
4. 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consent, and pursuant to rule 17(5) of the Tribunal Procedure (Upper Tribunal) Rules 2008, this appeal is recorded as "Withdrawn with the consent of the Upper Tribunal". This is a Notice pursuant to rule 17(5) to inform the parties that the respondent's case is withdrawn.
5. The effect of the appellant's case being withdrawn from the Upper Tribunal is that the proceedings before the Upper Tribunal are at an end. There is no appeal before the Upper Tribunal.
6. The First-tier Tribunal's decision allowing Ms Kustos-Byrska's appeal shall stand.

Signed

Date: 28 June 2017

A handwritten signature in black ink, appearing to read 'Jeremy Rintoul', written in a cursive style.

Upper Tribunal Judge Rintoul