



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: AA/01161/2011

THE IMMIGRATION ACTS

Determined at Manchester
On: 23rd September 2013

Notice sent
On: 23rd September 2013

Before

UPPER TRIBUNAL JUDGE MARTIN

Between

MR O O B A A

Appellant

and

Secretary of State for the Home Department

Respondent

NOTICE OF WITHDRAWAL AND

REASONS FOR THE TRIBUNAL GIVING CONSENT

Representation: Mr G Harrison (Home Office Presenting Officer)

Mr G Brown (instructed by Greater Manchester
Immigration Aid Unit)

1. The appellant is a citizen of Nigeria born 25th July 2006. He appealed to the First-tier Tribunal against a decision of the Secretary of State to refuse him asylum. Although he and his mother had applied together their appeals were separated and hers finally dealt with and dismissed before his.
2. The Appellant lost his appeal before the First-tier Tribunal and again on a rehearing before the Upper Tribunal. The Court of Appeal sealed an Order by Consent on 17th July 2013 setting aside the decision of the Upper Tribunal and remitting it to the Upper Tribunal to be redecided. Thus it came before me.

3. While this case has been pursuing its course the Immigration Rules have changed such that the Appellant would succeed on the basis that he was born in the UK more than 7 years ago and his mother would also be entitled to remain as his carer.
4. With this clearly in mind the Secretary of State has granted both leave to remain.
5. On that basis the Appellant's representative requests permission to withdraw the Appellant's appeal before the Upper Tribunal.
6. 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, I give consent to the Appellant to withdraw his case.
7. 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consent, and pursuant to rule 17(5) of the Tribunal Procedure (Upper Tribunal) Rules 2008, this appeal is recorded as "Withdrawn with the consent of the Upper Tribunal". This is a Notice pursuant to rule 17(5) to inform the parties that the appellant's case is withdrawn.
8. The effect of the Appellant's case being withdrawn from the Upper Tribunal is that the proceedings before the Upper Tribunal are at an end.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 and the First-tier Tribunal's decision shall stand.

Signed:

Upper Tribunal Judge Martin

Date: 23rd September 2013