



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: IA/09906/2012

THE IMMIGRATION ACTS

Determined at Field House  
On: 7 August 2013

Notice sent  
On: 8 August 2013

Before

UPPER TRIBUNAL JUDGE O'CONNOR

Between

Mr Kwok Lam Tsui

Appellant

and

Secretary of State for the Home Department

Respondent

NOTICE OF WITHDRAWAL AND

REASONS FOR THE TRIBUNAL GIVING CONSENT

1. The appellant is a citizen of China born 7 August 1989. He appealed to the First-tier Tribunal against a decision of the Secretary of State of 5 April 2012, refusing to issue him with an EEA Residence Card as the extended family member of an EEA national exercising treaty rights in the United Kingdom. The First-tier Tribunal dismissed this appeal in a determination promulgated on 6 August 2012. Judge Baird granted the appellant permission to appeal to the Upper Tribunal.
2. By way of a letter to the Upper Tribunal dated 6 August 2013 the appellant's representatives request permission to withdraw the appellant's appeal before the Upper Tribunal on the basis that his relationship with the EEA national has now broken down.
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 Secretary of State was successful before the First-tier Tribunal, I give consent to the appellant to withdraw his case.

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consent, and pursuant to rule 17(5) of the Tribunal Procedure (Upper Tribunal) Rules 2008, this appeal is recorded as "Withdrawn with the consent of the Upper Tribunal". This is a Notice pursuant to rule 17(5) to inform the parties that the appellant's case is withdrawn.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 The effect of the appellant's case being withdrawn from the Upper Tribunal is that the proceedings before the Upper Tribunal are at an end.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 and the First-tier Tribunal's decision shall stand.

Signed:

A handwritten signature in black ink, appearing to be 'M. O'Connor', written over a horizontal line.

Upper Tribunal Judge O'Connor  
Date: 7 August 2013