



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

Appeal Number: IA/17823/2013

THE IMMIGRATION ACTS

**Heard at Field House
On 18 November 2013
Prepared 18 November 2013**

**Date sent
On 29 November 2013**

**Before
LORD MATTHEWS SITTING AS A JUDGE OF THE UPPER TRIBUNAL
UPPER TRIBUNAL JUDGE MCGEACHY
Between**

MOAZZAM RASHEED

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr I Sampson, of Messrs Waldegraves Solicitors
For the Respondent: Ms K Pal, Senior Home Office Presenting Officer

**DETERMINATION AND NOTICE UNDER RULE 17 OF THE IMMIGRATION
TRIBUNAL (PROCEDURE) RULES 2005.**

1. The appellant appeals against a decision of the First-tier tribunal in which Judge of the First-tier tribunal dismissed his appeal against a decision of the respondent refusing to vary his leave to remain. The decision was made on 30 April 2013.
2. The appellant had asked for an extension of stay to re-sit the PLAB exam.
3. Having passed the exam the appellant decided to return to Pakistan. He wrote to the Tribunal to withdraw the appeal on 27 August and left Britain on 13 September to return to Pakistan.
4. Unfortunately the letter withdrawing the appeal was not placed on the file and was therefore not before the Judge when he determined the appeal and dismissed it.

5. BY consent we now set aside the determination of the First-tier Judge. We substitute for the decision of the First-tier Judge our own decision that this appeal is withdrawn under the provisions of Rule 17 of the Immigration Tribunal (Procedure) Rules 2005. This determination serves as due notice under Rule 17 (3) of those Rules.

Signed

Date: 18 November 2013

Upper Tribunal Judge McGeachy