



**Upper Tribunal
(Immigration and Asylum Chamber)**
AA/07947/2013

Appeal Number:

THE IMMIGRATION ACTS

**Heard at Field House
On 9th January 2014**

**Determination
Promulgated
On 30th January 2014**

Before

UPPER TRIBUNAL JUDGE REEDS

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

SHYRYRI ISMAILI

Respondent

Representation:

For the Appellant: Mr Jarvis, Senior Home Office Presenting Officer

For the Respondent: The appellant in person

NOTICE OF WITHDRAWAL

pursuant to Rule 17 (5) of the Tribunal Procedure (Upper Tribunal) Rules 2008

1. By an application made orally, the Secretary of State has notified the Upper Tribunal that she wished to withdraw the appeal.

2. Paragraph 17 of the Tribunal Procedure (Upper Tribunal) Rules 2008 provides for a party to withdraw its case before the UT with the consent of the Tribunal but there is no provision for a party to withdraw the appeal before the Upper Tribunal. Therefore the Appellant's oral request that they do not intend to pursue the appeal, serves only as notice of withdrawal of their case before the UT which takes effect because the UT now provides consent required by paragraph 17(2).

3. Therefore, pursuant to Rule 17(2) of the Tribunal Procedure (Upper Tribunal) Rules 2008, as a notice of withdrawal will not take effect until the Upper Tribunal consents to the withdrawal, I now give that consent.

OUTCOME

The appeal is withdrawn.

UPPER TRIBUNAL JUDGE REEDS

24 February 2014