



**Upper Tribunal  
(Immigration and Asylum Chamber)**  
AA/12503/2009

Appeal Number:

**THE IMMIGRATION ACTS**

**Notice Promulgated  
On 16 January 2014**

**Before**

**UPPER TRIBUNAL JUDGE MOULDEN**

**Between**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**and**

**MR MOHAMMED MAHDID**

Respondent

**Representation:**

For the Appellant: Mr G Saunders a Senior Home Office Presenting Officer

For the Respondent: the respondent's representatives did not attend

**NOTICE OF WITHDRAWAL**

1. The appellant is the Secretary of State for the Home Department ("the Secretary of State"). The respondent is a citizen of Algeria who was born on 21 July 1987 ("the claimant").
2. The claimant arrived in the UK on or about 9 September 2007 and claimed asylum. By a decision dated 2 October 2009 the Secretary of State refused the claim.

3. On 2 October 2009 the Secretary of State gave directions for the claimant's removal from the UK as an illegal entrant. The claimant appealed and his appeal was heard by Immigration Judge Brewer on 16 December 2009. He dismissed the appeal on asylum grounds but allowed it on Article 3 and 8 human rights grounds.
4. The respondent applied for and was granted permission to appeal to the Upper Tribunal. In April 2010 Designated Immigration Judge Davies found that the Immigration Judge had erred in law and set aside his decision. As a result the decision fell to be remade in the Upper Tribunal. There were lengthy delays connected with consideration of whether the claimant's mental health was such that he was fit to give evidence.
5. I now have a letter from Mr Saunders dated 22 November 2013 with a copy of a letter to the claimant's solicitors of the same date informing them that the Secretary of State has decided that the claimant should succeed on Article 3 human rights grounds and that he will be granted leave to remain. The case has been reconsidered and as a consequence of her decision the Secretary of State needs to withdraw her appeal to the Upper Tribunal. The consent of the Upper Tribunal to such a withdrawal is required under the provisions of Paragraph 17 of The Tribunal Procedure (Upper Tribunal) Rules 2008 and I give that consent.
6. I record that the Secretary of State has withdrawn her appeal to the Upper Tribunal. The claimant's representatives have had the opportunity to attend the hearing or to inform the Upper Tribunal in writing if the claimant objects to the appeal being allowed solely on Article 3 human rights grounds. They have not done so and in the circumstances I record that the appeal has been allowed on Article 3 human rights grounds. This notice should be given to the parties.

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Upper Tribunal Judge Moulden  
2013

Date 5 December