



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

Appeal number: IA/05465/2014

THE IMMIGRATION ACTS

**Decision & Reasons
Promulgated
On 24th November 2014**

Before

Upper Tribunal Judge Kebede

Between

Daniel Kwarteng

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

1. The appellant has been granted permission to appeal to the Upper Tribunal against a decision of the First-tier Tribunal which dismissed his appeal against the decision to refuse to vary his leave to remain.
2. The Upper Tribunal has received a letter from the appellant's legal representatives dated 23 November 2014 in which they state that the appellant wishes to withdraw his appeal which is currently pending in the Upper Tribunal as he is intending to submit a fresh application to the respondent.
3. Rule 17 of the Tribunal Procedure (Upper Tribunal) Rules 2008 provides that a party may give notice of the withdrawal of its case or part of it, subject to the consent of the Upper Tribunal. There is no provision for a

party to withdraw the appeal before the Upper Tribunal, which is the effect of the recent letter. Therefore, the letter from the appellant's legal representatives can serve only as a notice of withdrawal of the appellant's case before the Upper Tribunal, to which the Upper Tribunal now consents.

4. The Upper Tribunal will therefore treat the determination of the First-tier Tribunal as unchallenged so that the appeal before the Upper Tribunal will be dismissed without a hearing.
5. Accordingly, the appeal before the Upper Tribunal is dismissed with the effect that the decision of the First-tier Tribunal shall stand in all respects.

Upper Tribunal Judge Kebede

24 November 2014