



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: IA/36736/2013

**THE IMMIGRATION ACTS**

Heard at Bennett House, Stoke-on-Trent  
On 25<sup>th</sup> June 2014

Determination Promulgated  
On 2<sup>nd</sup> July 2014

Before

DEPUTY UPPER TRIBUNAL JUDGE COATES

Between

KAMALDEEP SINGH  
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: No appearance

For the Respondent: Mr McVeety, Senior Home Office Presenting Officer

**NOTICE OF DECISION**

1. The Appellant is an Indian national who applied for a residence card as the husband of a Slovak national exercising treaty rights in the UK. His application was refused on 27<sup>th</sup> April 2013 on the basis that the marriage was one of convenience. The refusal was upheld by Judge of the First-tier Tribunal Landes who dismissed an appeal by the Appellant against the Respondent's refusal on 24<sup>th</sup> February 2014.

2. The First-tier Tribunal's determination records that there was no appearance at the appeal hearing by or on behalf of the Appellant. Judge Landes caused enquiries to be made but there was no response from the representatives. Judge Landes exercised her discretion to proceed with the hearing and heard submissions from the Presenting Officer. The Judge concluded that the marriage was one of convenience and that the Sponsor was not a qualified person. On that basis the appeal was dismissed.
3. Permission to appeal was granted in the First-tier Tribunal on 30<sup>th</sup> April 2013. The First-tier Judge who granted permission concluded that there was an arguable error of law because it was arguable that if the First-tier Judge had seen a GP's letter the hearing might have been adjourned. That is the background against which the matter was listed for an error of law hearing on the date mentioned above. The Respondent filed a response on 19<sup>th</sup> May 2014 opposing the appeal. There was no appearance by or on behalf of the Appellant but there was before me a letter from the Appellant's solicitors dated 24<sup>th</sup> June 2014 stating that the Appellant wishes to withdraw his appeal. It is accompanied by a signed confirmation by the Appellant to that effect. No reasons were given.
4. By virtue of paragraph 7 of the Upper Tribunal Procedure Rules an appeal before the Upper Tribunal may only be withdrawn with the Tribunal's consent. Mr McVeety indicated that he did not oppose the application. Bearing in mind the reasons for the refusal and the reasons given for dismissing the appeal by the First-tier Tribunal I could find no reason to refuse the application to withdraw.
5. This appeal is withdrawn.

Signed

Date 2<sup>nd</sup> July 2014

Deputy Upper Tribunal Judge Coates