



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

Appeal Number: IA/41503/2013

THE IMMIGRATION ACTS

Heard at Field House

On 16 June 2014

Determination

Promulgated

On 30 June 2014

Before

UPPER TRIBUNAL JUDGE PINKERTON

Between

MR RAHEEL

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: No appearance

For the Respondent: Mr S Whitwell

NOTICE OF WITHDRAWAL

1. In the decision of a First-tier Tribunal Judge promulgated on 17 February 2014 the appellant's appeal against a refusal to grant him leave to remain as a Tier 4 (General) Student Migrant under the points-based system was dismissed.

2. The appellant was granted permission to appeal that decision and an error of law hearing was fixed before me on 16 June 2014. The appellant's solicitors wrote a letter dated 12 June 2014 indicating that they wished the hearing to be dealt with "on the papers".
3. By a letter dated 21 May 2014 the respondent indicated that the original refusal decision may be contrary to the respondent's current policy and the matter was referred to Tier 4 "Customer Services" for consideration.
4. At the hearing before me Mr Whitwell sought permission to withdraw the original decision on the basis that at the date of refusal the then current policy was not to refuse applications on the basis that this application was. The decision should therefore not have been to refuse on the basis set out in the Reasons for Refusal Letter.
5. Having considered the matter and Rule 17(2) of The Tribunal Procedure (Upper Tribunal) Rules 2008 I consented to the withdrawal of the decision against which the appellant originally appealed.

Signed

Date

Upper Tribunal Judge Pinkerton