



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

**Appeal Number: IA/52453/2013**

**THE IMMIGRATION ACTS**

**Determined at Field House**

**Determination  
Promulgated**

**On: 15 September 2014**

**On: 16 September 2014**

**Before**

**UPPER TRIBUNAL JUDGE DAWSON**

**Between**

**Secretary of State for the Home Department**

Appellant

**And**

**Pervaiz Iqbal**

Respondent

**DETERMINATION AND REASONS**

1. By way of a letter to the Upper Tribunal dated 9 September 2014 the Respondent's representatives indicated that their client did not wish to proceed with his appeal and wished to withdraw it. The Upper Tribunal has made a decision dated 29 July 2014 that the decision of the First-tier Tribunal contained material errors of law and set aside that decision. It was directed that the re-making would take place in the Upper Tribunal.
2. Consent of the Upper Tribunal is required for a party to withdraw its case. Having carefully considered the facts of this appeal as a whole I give consent to the Respondent to withdraw his case. Accordingly pursuant to rule 17(5) of the Tribunal Procedure (Upper Tribunal) Rules 2008, the Respondent's case is withdrawn.
3. S. 12 of the Tribunals, Courts and Enforcement Act 2007 provides that if the Upper Tribunal sets aside the decision of the First-tier Tribunal it must either remit the case to the First-tier Tribunal or re-make the decision. In this appeal the Upper Tribunal has decided to re-make the decision. As the Respondent's case has been withdrawn the appeal by the Secretary of

State against the decision of the First-tier Tribunal is allowed. I re-make the decision by dismissing the appeal by the Respondent against the decisions dated 28 November 2013 refusing to vary his leave to remain and to remove him.

Signed:

A handwritten signature in blue ink, appearing to read "Dawson", with a horizontal line extending to the right.

Upper Tribunal Judge Dawson  
September 2014

Date: 15