



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

Appeal Number: VA/16114/2013

**THE IMMIGRATION ACTS**

**Heard at: Columbus House, Newport**

**Determination  
Promulgated**

**On: 22 October 2014**

**On: 24 October 2014**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE J F W PHILLIPS**

**Between**

**ENTRY CLEARANCE OFFICER - MOSCOW**

**and**

**ALEKSANDRA ITCKINA**

Appellant

Respondent

**Representation:**

For the Appellant: Mr I Richards, Home Office Presenting Officer

For the Respondent: No appearance

**NOTICE OF WITHDRAWAL**

1. This is the Entry Clearance Officer's appeal against the decision of First-tier Tribunal Judge Farrelly in which he allowed the appeal of the Respondent (referred to hereafter as "Miss Itckina"), a citizen of Russia born on 10 December 2010, against the decision of the Respondent dated 11 June 2013 to refuse entry clearance as a family visitor.
2. Miss Itckina's appeal came for hearing on papers on 5 February 2014 along with the appeals of her parents Sergey Vladimirovich Itchkin

(VA/16112/2013) and Leonora Tsvetkova (VA/16113/2013). All three appeals were based upon the same facts and were allowed. The Entry Clearance Officer applied for permission to appeal only in respect of the decision to allow Miss Itckina's appeal. Permission was granted by Designated Judge McCarthy on 27 May 2014.

3. The simple basis of the Entry Clearance Officer's appeal is that whereas Miss Itckina's parents had a full right of appeal under the Family Visitor regulations because the person the family proposed to visit was Mr Itckin's sister (and therefore Mrs Tsvetkova's sister-in-law) she was Miss Itckina's aunt and therefore the refusal in her case did not attract a full right of appeal.
4. It may be thought that the person drafting the appeal to the Upper Tribunal could be considered over-zealous in raising an issue such as this seeking to prevent a 5 year old child travelling with her parents particularly, as pointed out in the grant of permission to appeal, this issue had not been raised previously.
5. In any event at the hearing before me Mr Richards on behalf of the Respondent said that it appeared from his file that the Entry Clearance Officer had relented and entry clearance had been issued to the Appellant. On this basis, the decision under appeal to the First-tier Tribunal having seemingly been withdrawn by the Entry Clearance officer and entry clearance granted Mr Richards sought leave to withdraw the appeal to the Upper Tribunal. In accordance with rule 17(2) of the Tribunal Procedure (Upper Tribunal) Rules 2008 I consent to this withdrawal.

### **Summary**

6. Appeal to the Upper Tribunal withdrawn by the Appellant.

J F W Phillips  
Deputy Judge of the Upper Tribunal

Date: 24 October 2014