



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

THE IMMIGRATION ACTS

**Heard at Field House
On 5 August 2014**

**Determination
Promulgated
On 6th Aug 2014**

Before

UPPER TRIBUNAL JUDGE WARR

Between

ENTRY CLEARANCE OFFICER (ISTANBUL)

and

YAGIZ BUYUKKAYA

Appellant

Respondent

Representation:

For the Appellant: Mr Bramble
For the Respondent: Not represented

Notice of withdrawal

1. This is the appeal of the Entry Clearance Officer but for convenience I will refer to the original appellant herein, a citizen of Turkey born on 14 August 2009, as the appellant herein.
2. The appellant applied along with his parents to visit his uncle, the sponsor, on 11 June, 2013 this application was refused on 15 July, 2013. The refusal of the appellant's application was based on the view taken by the entry clearance officer about the appellant's parents' financial circumstances and intentions. Their applications were refused and accordingly the appellant's application was refused.
3. The appellant along with his parents appealed and their appeals came before First-tier Judge Balloch on 7 March 2014.
4. The First-tier Judge allowed the appeal of the appellants and his parents under reference VA/16249/2013 and VA/16262/2013, resolving the factual issues in favour of the appellants. She allowed the appeal of the appellant in the light of fact that his appeal was dependent on the outcome of his father's appeal.
5. The Entry Clearance Officer did not appeal the decision in respect of the appellant's parents, but argued that, as the sponsor was the appellant's uncle, he did not enjoy a full right of appeal, relying on the Immigration Appeals (Family Visitor) Regulations 2014 (SI 1532 of 2012). The judge had not referred to human rights or race relations grounds (see section 84(1)(b) and (c) of the Nationality, Immigration and Asylum Act, 2002.)
6. Mr Bramble informed me that the Entry Clearance Officer had in fact granted the appellant a visa on 11th April 2014. There is moreover a letter from the sponsor dated 12 July 2014 stating that the appellant and his parents had visited and returned to Turkey.
7. Mr Bramble in the circumstances withdrew the appeal.

Appeal withdrawn

Upper Tribunal Judge Warr
5 August 2014