



**Upper Tribunal
(Immigration and Asylum Chamber)**
VA/18591/2013

Appeal Number:

THE IMMIGRATION ACTS

**Heard at Field House
On 4th December 2014**

**Notice Promulgated
On 11th December 2014**

Before

**THE RIGHT HON. MRS JUSTICE CARR
UPPER TRIBUNAL JUDGE MOULDEN**

Between

MS VALENTYNA PALAMARCHUK

Appellant

and

ENTRY CLEARANCE OFFICER - WARSAW

Respondent

Representation:

For the Appellant: The appellant was not represented and did not attend

For the Respondents: Mr I Jarvis a Senior Home Office Presenting Officer

NOTICE OF WITHDRAWAL

1. The appellant is a citizen of Ukraine. She has been given permission to appeal the determination of First-Tier Tribunal Judge LK Gibbs ("the FTTJ") who dismissed her appeal against the respondent's decision of 24 September 2013 to refuse her

entry clearance as a visitor to visit her daughter and her family in the UK under the provisions of paragraph 41 of the Immigration Rules.

2. The only reason for the respondent's refusal of the application was because of the conclusion that the appellant had previously travelled to the UK in 2009 and applied for permanent leave to remain. The appellant appealed. Both parties were represented at the hearing before the FTTJ and the appellant's daughter attended and gave evidence. The FTTJ found that the respondent's conclusion was based on a false premise. The appellant had not made a application for permanent leave to remain. However, as the appellant was only entitled to appeal on human rights grounds, the FTTJ considered these but concluded that the appellant was unable to show that she succeeded on Razgar principles. She dismissed the appeal.
3. The appellant applied for permission to appeal, which was granted. However, the appellant's representatives have now written to the Upper Tribunal withdrawing the appeal. No reasons have been given. Mr Jarvis did not object to the appeal being withdrawn.
4. We consent to the appellant withdrawing her appeal to the Upper Tribunal which amounts to a withdrawal of her case under rule 17 (1) (a) of The Tribunal Procedure (Upper Tribunal) Rules 2008. The effect of this is that the decision of the FTTJ to dismiss the appellant's appeal stands. Notice of this withdrawal should be given to all parties.

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Upper Tribunal Judge Moulden
2014

Date 8 December