



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

Appeal Number: IA/06234/2012

THE IMMIGRATION ACTS

Heard at Field House

Decision & Reasons

On 23 July 2015

Promulgated

On 14 August 2015

Before

**MR JUSTICE KNOWLES
UPPER TRIBUNAL JUDGE SMITH**

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**MR ALI RAZA
(ANONYMITY ORDER NOT MADE)**

Respondent

Representation:

For the Appellant: Mr Bramble, Senior Presenting Officer
For the Respondent: Mr Turner (for appointed Counsel)

DECISION AND REASONS

Background

1. The Secretary of State appeals against a decision of First-Tier Tribunal Judge Nightingale promulgated on 11 December 2014 ("the Decision"). The Judge allowed Mr Raza's appeal on Article 8 grounds. Permission to appeal was granted on 27 January 2015 by First-Tier Tribunal Judge Zucker on the basis that the appeal raised a question of law relating to the proper construction of the meaning of the term "genuine and subsisting parental relationship".

Decision and reasons

2. On 23 July 2015, the matter came before the Upper Tribunal to determine whether the First-tier Tribunal decision involved the making of an error of law. On that occasion, Counsel for Mr Raza who was briefed to attend was taken unexpectedly ill and was replaced at short notice by Mr Turner. Mr Turner indicated that he may be able to assist the Tribunal depending on the ambit of the issues but recognised that if the issue was one of wider importance he may not feel able to do so and he also needed to consider whether to proceed would be in his client's best interest given the lack of time for him to prepare. Additionally, the interpreter who had been booked for the hearing was unable to stay to the afternoon and it would not have been appropriate to expect Mr Turner to make submissions any earlier than the afternoon. There was also an issue about whether the Tribunal would have sufficient time available to hear the case during the afternoon. Accordingly, the hearing was adjourned.

3. By letter dated 4 August 2015, the Secretary of State indicated that she wishes to withdraw her case on the basis that, having reviewed her grounds alongside the documentary evidence, she no longer considers that there is any basis on which to pursue the case. She therefore seeks the Tribunal's consent pursuant to Rule 17 of the Tribunal Procedure (Upper Tribunal) Rules 2008 to withdraw her case.

I hereby give consent to the withdrawal of the Secretary of State's case. The Secretary of State's appeal is therefore dismissed. The consequence is that there is no longer any challenge to the First-Tier Tribunal's Decision and the First-Tier Tribunal's Decision stands.



Signed

Date

10 August 2015

Upper Tribunal Judge Smith