



(Immigration And Asylum Chamber)

Upper Tribunal

Appeal Number: IA/11197/2014

THE IMMIGRATION ACTS

Heard at: Field House

Promulgated

On: 23 April 2015

Decision & Reasons

On: 5 May 2015

Before

DEPUTY UPPER TRIBUNAL JUDGE MAILER

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

MR MILAN GURUNGE

(NO ANONYMITY DIRECTION MADE)

Respondent

Representation

For the Appellant: Mr P Duffy, Senior Home Office Presenting Officer

For the Respondent: Mr C Howells, counsel (instructed by NC Brothers & Co Solicitors)

DECISION

1. The appellant appeals with leave against the decision of the First-tier Tribunal, promulgated on 8 January 2015. The Judge allowed the claimant's appeal to the extent that the decision was remitted to the Secretary of State for full consideration of the policy issues relevant to the decision.

2. In granting permission to appeal to the Upper Tribunal, First-tier Tribunal Judge Foudy stated that it was arguably an error of law not to have determined the issue raised in the appeal.
3. At the hearing on 23 April 2015, Mr Duffy on behalf of the appellant applied for permission to withdraw the case as there is a subsequent policy which is now in force. The claimant's case will accordingly be reconsidered.
4. Mr Howells did not oppose the application. He asked that it be recorded that the claimant had not made any application for an order for costs.
5. In the circumstances, I consent to the withdrawal of the secretary of state's case.

The Upper Tribunal must notify each party in writing that a withdrawal has taken effect under Rule 17 of the Tribunal Procedure (Upper Tribunal) Rules 2008.

No anonymity direction is made.

Signed

Date 23/4/2015

Deputy Upper Tribunal Judge Mailer