



The Upper Tribunal

(Immigration and Asylum Chamber)

Appeal number: IA/16960/2014

THE IMMIGRATION ACTS

Promulgated

November 2015

Decision

On 5th

Between

CHASE ALEXANDER BJORK

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**DECISION ON WITHDRAWAL PURSUANT TO RULE 17 OF THE TRIBUNAL
PROCEDURE (UPPER TRIBUNAL) RULES 2008**

1. This appeal came before me following a grant of permission to appeal against a decision of First-tier Tribunal Judge Fox who dismissed an appeal against a decision by the respondent to refuse to issue a residence card.
2. It was conceded at the hearing before the First-tier Tribunal that the appellant was not able to establish his entitlement to a residence card. The appeal under the Immigration (European Economic Area) Regulations 2006, and under Article 8 of the ECHR was dismissed.
3. At the hearing before me, following my decision to refuse to adjourn the appeal pending the outcome of an appeal to the Court of Appeal in the case of *Amirteymour and others (EEA appeals; human rights)* [2015] UKUT 00466 (IAC), the appellant sought to withdraw the appeal.

4. As I pointed out at the hearing, rule 17 of the Tribunal Procedure (Upper Tribunal) Rules 2008 provides that a party may give notice of the withdrawal of its case or part of it, subject to the consent of the Upper Tribunal. There is no provision for a party to withdraw the appeal before the Upper Tribunal. Having accepted that the purported withdrawal of the appellant's appeal is in effect a withdrawal of the appellant's case before the Upper Tribunal, I consented to that withdrawal.
5. The effect therefore, is that the decision of the First-tier Tribunal is to stand.

Upper Tribunal Judge Kopieczek

3/11/15