



**Upper Tribunal  
(Immigration and Asylum Chamber)      Appeal Number: IA/24625/2014**

**THE IMMIGRATION ACTS**

**Determined at Field House  
On: 18 December 2015**

**Notice sent:  
On: 18 December 2015**

**Before**

**UPPER TRIBUNAL JUDGE RINTOUL**

**Between**

**LOVEMORE GLADMORE CHINEMBIRI**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**NOTICE OF ABANDONMENT UNDER RULE 17A**

1. The appellant brought an appeal under section 82 (1) of the Nationality, Immigration and Asylum Act 2002 (“the 2002 Act”) against the decision of the respondent made on 22 May 2014 to remove him from the United Kingdom. The appeal was allowed pursuant to paragraph EX.1 of Appendix FM of the Immigration Rules but dismissed on human rights grounds. The Secretary of State appealed with permission to the Upper Tribunal against that decision but that appeal was dismissed on 29 December 2014. The appellant was also granted permission to appeal against the decision to dismiss the appeal on human rights grounds.
2. The two appeals in the Upper Tribunal thereby created were not heard together, and on 29 December 2014, the Secretary of State’s appeal was dismissed by the Upper Tribunal and on 16 February 2015, the Secretary of State granted the appellant 30 months’ leave to remain.

3. Although section 104 of the 2002 Act has been amended by the Immigration Act 2014 with effect from 20 October 2014 by operation of The Immigration Act (Commencement No. 3, Transitional and Saving Provisions) Order 2014 ("the Order"), section 104 of the 2002 Act is one of the "saved provisions" as defined in article 1 (e) of that order and so by operation of article 9 of the Order, continues to have effect as the respondent is not a person who falls within either article 10 or 11 of the Order.
4. I am therefore satisfied that as the appellant has been granted leave, the appeal is to be treated as abandoned pursuant to section 104 (4) of the 2002 Act and that the Upper Tribunal must therefore issue a notice pursuant to rule 17 A (2) informing the parties that the appeal is being treated as abandoned. This is a Notice pursuant to rule 17A (2) to inform the parties that the appellant's case is deemed abandoned.
5. The effect of the appellant's case being deemed abandoned is that the proceedings before the Upper Tribunal are at an end.

Signed

Date: 18 December 2015

A handwritten signature in black ink, appearing to read 'Jeremy Rintoul', written in a cursive style.

Upper Tribunal Judge Rintoul