



**Upper Tribunal  
(Immigration and Asylum Chamber)      Appeal Number: IA/27888/2013**

**THE IMMIGRATION ACTS**

**Determined at Field House  
On: 7 August 2015**

**Notice sent  
On: 18 August 2015**

**Before**

**UPPER TRIBUNAL JUDGE RINTOUL**

**Between**

**MUHAMMAD SHER KHAN**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**NOTICE OF WITHDRAWAL AND REASONS**

1. The appellant's appeal to the First-tier Tribunal was allowed by First-tier Tribunal Judge Kanagaratnam. That decision was later set aside by the Upper Tribunal which remade the decision by dismissing it. By an order of the Court of Appeal dated 23 March 2015, the appeal against the Upper Tribunal was allowed, and Judge Kanagaratnam's decision was restored.
2. Given that it is accepted by the respondent that Judge Kanagaratnam's decision should not have been set aside, I am satisfied that, insofar as there was any appeal by the Secretary of State in this matter pending, that her appeal has been withdrawn.
3. Consent of the Upper Tribunal is required for a party to withdraw its case. Having carefully considered the facts of this appeal as a whole, and observing that the Appellant was the successful party before the First-tier Tribunal, I give such consent for the case to be withdrawn.

4. Accordingly with my consent, and pursuant to rule 17(5) of the Tribunal Procedure (Upper Tribunal) Rules 2008, this appeal is recorded as "Withdrawn with the consent of the Upper Tribunal". This is a Notice pursuant to rule 17(5) to inform the parties that the appellant's case is withdrawn.
5. The effect of the respondent's case being withdrawn from the Upper Tribunal is that the proceedings before the Upper Tribunal are at an end. There is no appeal before the Upper Tribunal and the First-tier Tribunal's decision shall stand. This order therefore disposes of the proceedings before the Upper Tribunal.

Signed

Date: 7 August 2015

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

Upper Tribunal Judge Rintoul