



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

Appeal Number: IA/37536/2013

THE IMMIGRATION ACTS

**Determined On the Papers at Field
House
On 30 April 2015**

**Determination Promulgated
On 6 May 2015**

Before

UPPER TRIBUNAL JUDGE MCGEACHY

Between

PRANAB CHITLA

and

Appellant

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DETERMINATION AND REASONS

1. The appellant appealed against a decision of Designated Judge of the First-tier Tribunal Woodcraft, who had dismissed her appeal against the refusal of an extension of stay as a student.
2. The appeal came before me, sitting with Collins J, on 3 March 2015. The appeal was adjourned on that occasion and, taking into account comments made by Mr Justice Collins at the appeal, the respondent wrote to the Tribunal stating that she was withdrawing her decision, dated 28 August 2013 refusing the application and therefore sought to withdraw her case under the provisions of Rule 17 of the Upper Tribunal Procedure Rules 2008 as amended.
3. Following that letter directions were sent out stating that within fourteen days the respondent should state whether or not she proposed to make a

fresh decision which would carry a right of appeal, was content that the Upper Tribunal allowed the appellant's appeal without a hearing or wished the appeal to be set down for hearing in accordance with the guidance in **SM (withdrawal of appealed decision: effect) [2014] UKUT 64 (IAC)**.

4. Directions were sent out on 26 March 2015. There has been no response from the respondent.
5. In these circumstances I, having reviewed the file, consider that it is appropriate for me to allow the appellant's appeal without a hearing and this I now do.

Decision

This appeal is allowed.

Signed

Date **6 May 2015**

Upper Tribunal Judge McGeachy