



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

**Appeal Numbers: IA/48051/2014
IA/48052/2014**

THE IMMIGRATION ACTS

Determined at Field House

**Decision and Reasons
Promulgated**

On: 25 September 2015

On: 28 September 2015

Before

UPPER TRIBUNAL JUDGE O'CONNOR

Between

**(1) Umar Nisar Khan
(2) Mehwish Umar**

Appellants

and

Secretary of State for the Home Department

Respondent

NOTICE OF DECISION

1. The appellants are citizens of Pakistan and are husband and wife. Each appealed to the First-tier Tribunal against a decision of the Secretary of State refusing them leave to remain.
2. The first named appellant withdrew his appeal before the First-tier Tribunal – notice of such being given on 6 January 2015 and acknowledged by the First-tier Tribunal in a Notice of the 14 January. Despite this, Deputy Upper Tribunal Judge Archer granted this appellant permission to appeal to the Upper Tribunal in a decision sent to the parties on the 27 July 2015. This grant of permission is clearly a nullity, DUTJ Archer having no jurisdiction to grant permission in relation to an appeal which was, at that time, no longer before the Tribunal. There is therefore no appeal by the first named appellant before the Upper Tribunal. If I am wrong in this then I nevertheless consent to the application to withdraw such appeal.
3. As to the second appellant, her appeal was dismissed by First-tier Tribunal Row in a decision promulgated on the 10 March 2015. Permission to appeal to the Upper Tribunal was thereafter granted by DUTJ Archer on the 27 July 2015.

4. By way of an email to the Upper Tribunal dated 18 September 2015 the second appellant requests permission to withdraw her appeal before the Upper Tribunal.
5. 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 Secretary of State was successful before the First-tier Tribunal, I give consent to the appellant to withdraw her case.
6. 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consent, and pursuant to rule 17(5) of the Tribunal Procedure (Upper Tribunal) Rules 2008, this appeal is recorded as "Withdrawn with the consent of the Upper Tribunal". This is a Notice pursuant to rule 17(5) to inform the parties that the appellant's case is withdrawn.
7. The effect of the appellant's case being withdrawn from the Upper Tribunal is that the proceedings before the Upper Tribunal are at an end.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.

Signed:

A handwritten signature in black ink, appearing to read 'M. O'Connor', written over a horizontal line.

Upper Tribunal Judge O'Connor
Date: 25 September 2015