



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

Appeal Number: OA/04582/2014

**THE IMMIGRATION ACTS**

**Field House**

**13 May 2015  
On papers**

**Decision and Reasons  
Promulgated  
On 21 May 2015**

**Before**

**UPPER TRIBUNAL JUDGE JORDAN**

**Between**

**The Entry Clearance Officer, Istanbul**

**and**

**Seda Tasdogan**

Appellant

Respondent

**DETERMINATION AND REASONS**

1. This is the appeal of the Entry Clearance Officer.
2. Mrs Seda Tasdogan, a citizen of Turkey, appealed against the decision of the Entry Clearance Officer refusing her application for entry clearance as the spouse of a person with leave under the Ankara agreement. Her appeal came before First-tier Tribunal Majid who allowed it on an unspecified basis.
3. The Entry Clearance Officer was granted permission to appeal to the Upper Tribunal by a decision made by First-tier Tribunal Judge Nicholson on 24 February 2015. It was the Entry Clearance Officer's appeal in the Upper Tribunal. However, by a letter dated 13 April 2015, Mrs

Tasdogan's representative, Oakfield Solicitors LLP, confirmed Mrs Tasdogan wished to withdraw her appeal, namely, her appeal to the Tribunal. She is not in a position to do this because the Entry Clearance Officer is entitled to pursue his appeal challenging the decision of the First-tier Tribunal and seeking a decision of the Upper Tribunal in which an error on a point of law is found and for an order setting the decision of the First-tier Tribunal aside and substituting a decision dismissing Mrs Tasdogan's appeal on all grounds advanced.

4. However, the clear intention of Mrs Tasdogan is that she no longer seeks to resist the Entry Clearance Officer's challenge to Judge Majid's determination. In these circumstances, I allow the appeal of the Entry Clearance Officer and set aside the decision of the First-tier Tribunal and substitute a determination dismissing the appeal of Mrs Tasdogan on all the grounds advanced.
5. There is no prejudice to Mrs Tasdogan because the Entry Clearance Officer in Istanbul has written to the Tribunal informing it that on 17 April 2015, Mrs Tasdogan made a further application which was granted. The Entry Clearance Officer, however, needs to close the file and whilst this appeal remains in state of limbo, this is not possible. The disposal of the appeal along the lines I have indicated draws a line under these unfortunate and wasteful proceedings.
6. As I have made this decision on the papers without informing the parties of my intention to do so, I give both parties liberty to apply to set aside this determination provided they apply to do so within 14 days of receipt of this determination and give reasons why I should not make the decision as I intend.

## DECISION

The Judge made an error on a point of law and I substitute a determination allowing the appeal of the Entry Clearance Officer and set aside the decision of the First-tier Tribunal and re-make the decision, dismissing the appeal of Mrs Tasdogan on all the grounds advanced.

ANDREW JORDAN  
JUDGE OF THE UPPER TRIBUNAL  
13 May 2015