



**The Upper Tribunal
(Immigration and Asylum Chamber) Appeal numbers: OA/10592/2014
OA/10589/2014**

THE IMMIGRATION ACTS

**Heard at Royal Courts of Justice-Belfast
Promulgated
On 1 December 2015**

**Decision and Reasons
On 8 December 2015**

Before

UPPER TRIBUNAL JUDGE KOPIECZEK

Between

ENTRY CLEARANCE OFFICER-BEIJING

Appellant

and

**FANGMEI LI
HENGGUO HUANG**

Respondents

DECISION

1. I refer to the parties as they were before the First-tier Tribunal.
2. The respondent has been granted permission to appeal to the Upper Tribunal against a decision of the First-tier Tribunal which allowed the appellants' appeals against the refusal of entry clearance as a spouse and child.
3. At the hearing before me the appellants were not legally represented. However, the appellants' former legal representatives wrote to the Tribunal by letter dated 22 October 2015 stating as follows:

"We refer to the above appeal and to the response filed in relation to it on behalf of the (appellants) respondents, on 24 September 2015.

Our instructions in this matter, on behalf of the (appellants) respondents, come via their sponsor. He has since instructed us that he no longer wishes to oppose the (respondent's) appellant's appeal, and that he wishes to withdraw any cross-appeal on behalf of the (appellants) respondents, such that might be contained within their response that was filed on 24 September.

We trust that this letter will suffice for these purposes.

A copy of this letter goes to the (respondent) appellant for their attention."

4. The sponsor, Guo Ju Huang, attended the hearing. There was no Mandarin interpreter and he spoke little or no English. It was not possible to arrange for an interpreter to attend that day.
5. The best that could be achieved was for me to speak to a friend of the sponsor on the phone, who confirmed that the sponsor did not want to pursue the appeal any longer.
6. Rule 17 of the Tribunal Procedure (Upper Tribunal) Rules 2008 provides that a party may give notice of the withdrawal of its case or part of it, subject to the consent of the Upper Tribunal. There is no provision for a party to withdraw the appeal before the Upper Tribunal.
7. I have interpreted the letter from the appellants' legal representatives as a notice of withdrawal of the appellants' case before the Upper Tribunal, to which the Upper Tribunal now consents.
8. The letter indicates that the respondent's (Entry Clearance Officer's) appeal is not opposed. The appellants' case before the Upper Tribunal is withdrawn. The appellants' case was that the respondent was wrong to refuse entry clearance. Accordingly, the appellants' appeal against the decision of the Entry Clearance Officer is dismissed.

Upper Tribunal Judge Kopieczek
3/12/15