



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

Appeal number: AA/02825/2010

THE IMMIGRATION ACTS

**Heard at Field House
On 21 March 2016**

**Decision & Reasons Promulgation
On 13 April 2016**

Before

UPPER TRIBUNAL JUDGE GLEESON

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

K O K

(ANONYMITY ORDER MADE)

Respondent

For the appellant: Mr K Norton, a Senior Home Office Presenting Officer
For the respondent: No appearance or representation

NOTICE OF ABANDONMENT

1. The Secretary of State has permission to appeal against the First-tier Tribunal determination allowing the claimant's appeal against her decision to refuse to grant asylum, humanitarian protection or leave to remain in the United Kingdom on human rights grounds. The claimant is a citizen of the Republic of Korea (South Korea) from birth, who grew up in the Democratic Republic of Korea before coming to the United Kingdom.
2. At the hearing today, the Secretary of State stated that refugee status had been granted to this claimant following the judgment of the Court of Appeal in *SP and ors (North Korea)* [2012] EWCA Civ 114.
3. Rule 17A of the Tribunal Procedure (Upper Tribunal) Rules 2008 (as amended) requires a party to whom leave to enter or remain is granted to notify the Tribunal of that occurrence, which this claimant failed to do. Section 104(4A) of the Nationality, Immigration and Asylum Act 2002 (as amended) requires the Upper Tribunal to treat as abandoned an appeal by a claimant who has been granted leave to enter or remain in the United Kingdom, unless notice is given by such claimant pursuant to section 104(4B) within 1 month of leave being granted, stating that they wish to pursue the appeal. No notice has been received under section 104(4B).
4. Accordingly, this appeal stands as abandoned by the appellant.
5. Pursuant to paragraph 17 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (as amended), the Secretary of State has leave to withdraw her case before the Upper Tribunal.
6. There being no underlying appeal, the Secretary of State's appeal is hereby dismissed.

Date: 14 March 2017

Signed: **Judith AJC Gleeson**
Upper Tribunal Judge Gleeson