



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

Appeal Number: OA/01666/2015

**THE IMMIGRATION ACTS**

**Decided at : Field House**

**Decision and Reasons  
Promulgated**

**On : 28 January 2016**

**On : 29 January 2016**

**Before**

**UPPER TRIBUNAL JUDGE KEBEDE**

**Between**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**and**

**MARIA AFZAAL**

Respondent

**DETERMINATION AND REASONS**

1. The Secretary of State has been granted permission to appeal to the Upper Tribunal against a decision of the First-tier Tribunal allowing Ms Afzaal's appeal against the decision to refuse her entry clearance.
2. Ms Afzaal has advised the Upper Tribunal, in her letter of 14 January 2016, that she does not resist the Secretary of State's appeal as she is making a fresh application for entry clearance.
3. In the circumstances, the Secretary of State's appeal to the Upper Tribunal is allowed, with the effect that the decision of the First-tier Tribunal allowing the appeal is set aside, such that the decision in Ms Afzaal's appeal against the Secretary of State's decision refusing her entry clearance has to be re-made.

4. In view of Ms Afzaal's confirmation that she does not resist the Secretary of State's appeal, and considering her confirmation in her letter of 20 December 2015 that she wants to withdraw her appeal and make a fresh entry clearance application, I formally re-make the decision in her appeal by dismissing it.

**DECISION**

5. The making of the decision of the First-tier Tribunal involved the making of an error on a point of law. The decision has been set aside. I re-make the decision in the appeal by dismissing it.

Signed

Upper Tribunal Judge Kebede