



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

**Appeal Number: HU/04856/2015**

**THE IMMIGRATION ACTS**

**Heard at Field House  
On: 9 November 2017**

**Decisions and Reasons Promulgated  
On: 10 November 2017**

**Before**

**UPPER TRIBUNAL JUDGE O'CONNOR**

**Between**

**Joyce Olayemi Asungbalaja**

Appellant

**and**

**Secretary of State for the Home Department**

Respondent

**Representation**

For the Appellant: Mr P.D. Norris, of Lawrence & Co solicitors

For the Respondent: Mr S. Kotas, Senior Presenting Officer

**NOTICE OF WITHDRAWAL AND**

**REASONS FOR THE TRIBUNAL GIVING CONSENT**

1. The appellant obtained permission to appeal to the Upper Tribunal against a decision of the First-tier Tribunal promulgated on 3 February 2017. The First-tier Tribunal accepted that the appellant had arrived in the UK in August 1997 but concluded that the requirements of paragraph 276ADE of the Immigration Rules could not be met, ostensibly because as of the date of the application to the SSHD (treated as being 20 August 2015) the appellant had spent just over 19 years continuously living here (i.e. not 'at least 20 years' as the Rule requires).

2. Due to the effluxion of time the appellant has now spent over 20 years here. Such a change in circumstances could not though become relevant to the Tribunal's assessment of whether the appellant meets the requirements of the Rules, even if the decision of the First-tier Tribunal were to be set aside. Time stopped for the purposes of consideration of paragraph 276ADE by the Tribunal as at the date of the appellant's application to the SSHD.
3. As a consequence of the aforementioned matters Mr Norris sought to withdraw the appellant's appeal, indicating that the intention is for the appellant to make a further application to the SSHD in reliance upon the aforementioned change of circumstances. This seems an eminently sensible approach to me, and Mr Kotas took no objection to such application.
4. 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, I give such consent to the appellant.
5. Accordingly, with my consent and pursuant to rule 17(5) of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant's case is treated as "withdrawn with the consent of the Upper Tribunal". If necessary, I formally dismiss the instant appellant's appeal to the Upper Tribunal.

Signed:



Upper Tribunal Judge O'Connor

Date: 9 November 2017