



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

Appeal Number: IA189922015

THE IMMIGRATION ACTS

**Determined at Field House
On: 17 May 2017**

**Promulgated and sent
On: 18 May 2017**

Before

UPPER TRIBUNAL JUDGE RINTOUL

Between

CHUKWUDI NWANZE

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

NOTICE OF WITHDRAWAL AND

REASONS FOR THE TRIBUNAL GIVING CONSENT

1. The appellant appealed against the decision made on 7 May 2015 to refuse him leave to remain. His appeal against that decision was refused by First-tier Tribunal Judge McGavin in a decision promulgated on 4 March 2016. Permission to appeal to the Upper Tribunal against that decision was granted on limited grounds on 17 March 2017.
2. On 12 May 2017, the respondent wrote to the Upper Tribunal requesting permission to withdraw her case as she intended to reconsider the appellant's application in the light of the fact that the First-tier Tribunal had found that the appellant is in a genuine and subsisting relationship with his wife and that they have a child who is a British Citizen.
3. The respondent has also withdrawn her decision of 7 May 2015.
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, and

observing that the respondent was the successful party before the First-tier Tribunal, I give such consent for the case to be withdrawn.

5. Accordingly, with my consent, and pursuant to rule 17(5) of the Tribunal Procedure (Upper Tribunal) Rules 2008, this appeal is recorded as "Withdrawn with the consent of the Upper Tribunal". This is a Notice pursuant to rule 17(5) to inform the parties that the respondent's case is withdrawn.
6. The effect of the respondents' case being withdrawn from the Upper Tribunal is that the proceedings before the Upper Tribunal are at an end. There is no appeal before the Upper Tribunal and the First-tier Tribunal's decision shall stand.

Signed

Date: 17 May 2017

A handwritten signature in black ink, appearing to read 'Jeremy Rintoul', written in a cursive style.

Upper Tribunal Judge Rintoul