



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: IA/40395/2014

### **THE IMMIGRATION ACTS**

Decision Sent on 25 September 2017

**Secretary of State for the Home Department**

**Appellant**

**and**

**Efosa Imafidon**

**Respondent**

### **NOTICE OF WITHDRAWAL**

1. On 1 September 2017, the Secretary of State was granted permission to appeal to the Upper Tribunal against a decision of Judge of the First-tier Tribunal D H Clapham who, by a decision promulgated on 21 June 2016, allowed the appeal of Efosa Imafidon on human rights grounds (Article 8) against the Secretary of State's decision of 19 September 2014 refusing his application for settlement as the dependent child of his British aunt.
2. The Upper Tribunal received a letter 21 September 2017 from a Mr P Duffy, of UK Visas and Immigration, on behalf of the Secretary of State, explaining the issue of timeliness in this case and that he unintentionally misled the Tribunal into thinking that the grounds were in time. It is clear that Judge of the First-tier Tribunal Simpson who extended time and granted permission was under the impression that the application was one day out of time whereas it was one year out of time. Mr Duffy stated that in the circumstances he requested permission under rule 17(1)(a) of the Tribunal Procedure (Upper Tribunal) Rules 2008 (the "UT Rules") to withdraw the Secretary of State's case before the Upper Tribunal.
3. In these circumstances, I am satisfied that it is appropriate for the Upper Tribunal to grant its consent to the Secretary of State withdrawing her case before the Upper Tribunal. I therefore grant such consent.
4. Accordingly, with my consent, and pursuant to rule 17(5) of the UT Rules, the Secretary of State's appeal is recorded as "*Withdrawn with the consent of the Upper Tribunal*". This is a Notice pursuant to rule 17(5) to inform the parties that the Secretary of State's case is withdrawn.
5. The effect of the withdrawal of the Secretary of State's case before 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 decision of Judge of the First-tier Tribunal Clapham shall stand.

A handwritten signature in blue ink, appearing to read 'DKL'.

Upper Tribunal Judge Gill

Date: 22 September 2017