



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

Appeal Number: IA/10911/2013

THE IMMIGRATION ACTS

Heard at Field House

On 22 August 2013 & 5 November 2013

**Determination
Promulgated**

On 28 November 2013

Before

**UPPER TRIBUNAL JUDGE LATTER
UPPER TRIBUNAL JUDGE MCKEE**

Between

KIRANKUMAR BHIKUBHAI AHIR

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr A Mehta of Malik & Malik Solicitors.

For the Respondent: Mr L Tarlow, Home Office Presenting Officer (28 October 2013).

Mr R Hopkin, Home Office Presenting Officer (5 November 2013).

NOTICE OF WITHDRAWAL

1. This is an appeal by the appellant, a citizen of India, against a determination of the First-tier Tribunal dismissing his appeal against the

respondent's decision made on 20 March 2013 refusing his application of 19 December 2012 for further leave to remain as a Tier 2 (General) Migrant. The judge was not satisfied that he had been able to show that he met all the requirements of the rules and in particular para 245HD(d).

2. The appellant was granted permission to appeal by the First-tier Tribunal in a decision dated 18 July 2013. The appeal was initially listed for hearing on 28 October 2013 but was adjourned to enable the appellant to amend his grounds to rely on the provisions of s.85A(3)(b) and (4)(d) of the Nationality, Immigration and Asylum Act 2002.
3. At the hearing before us on 5 November 2012 it was agreed between the parties that the respondent should be given leave under r.17(1)(b) of the 2008 Procedure Rules to withdraw her case and the decision on the application made on 19 December 2012 on the understanding that the appellant would be granted further leave to remain as a Tier 2 (General) Migrant for three years, the leave being granted expeditiously and in any event within two weeks from 6 November 2013 and the appellant's passport being returned to him within that time. A consent order has been submitted signed by both representatives.
4. In the light of the consent order and the agreement between the parties, we consent to the withdrawal under r.17(2). This decision is to stand as the required notification under r.17(5).

Decision

5. We record the Tribunal's consent to the respondent withdrawing her case on the basis set out in the signed consent order filed with the Tribunal.
6. It was agreed at the hearing that the anonymity order made by the First-tier Tribunal served no obvious purpose and that order is discharged.

Signed

Date: 15 November 2013

Upper Tribunal Judge Latter