



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

Appeal Number: AA/06490/2013

THE IMMIGRATION ACTS

**Heard at Glasgow
on 15 January 2014**

**Notification issued:
On 16 January 2014**
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Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

NEZAM NOORE MAGED

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Mr Rea, of Maguire, Solicitors
For the Respondent: Mr Matthews, Senior Presenting Officer

NOTIFICATION OF WITHDRAWAL

1. This is an appeal against a determination by First-tier Tribunal Judge Mr Peter A Grant-Hutchison, promulgated on 27 August 2013. That determination was set aside in terms of a decision by Deputy Upper Tribunal Judge Bruce issued on 27 November 2013. The respondent conceded that there was error of law (1) by conflating the proportionality exercise with the question whether there was any arguable case outside the rules, and (2) by failing to assess the reasonability of expecting the appellant's partner to go to Iraq; the appellant's relatively long residence in the UK; and the significance of some apparent delay in further decision-making by the respondent.

2. Pursuant to a transfer order by Principal Resident Judge Southern, the case came before me for further decision.
3. Mr Matthews said that while he did not acknowledge that the case ought to succeed under Article 8, either within or outside the Immigration Rules, a grant of discretionary leave under paragraph 353B of the Rules now appeared to be appropriate, subject to satisfactory security checks on the appellant. There had not been time since he received the papers to have those checks carried out prior to the hearing.
4. Mr Rea said that the appellant was confident that nothing adverse to him would emerge from such checks. He did not oppose Mr Matthews' application to withdraw.
5. In terms of the Tribunal Procedure (Upper Tribunal) Rules 2008, Rule 17, the case for the respondent (i.e., the respondent's decision under appeal) is recorded as having been **withdrawn** orally at the hearing, without objection by the appellant, and with the consent of the Upper Tribunal.



Judge of the Upper Tribunal
15 January 2013