



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

Appeal Numbers: (1) IA/49385/2013
(2) IA/49376/2013

THE IMMIGRATION ACTS

Heard at Birmingham

On 13th June 2014

**Determination
Promulgated**

On 22nd July 2014

Before

DEPUTY UPPER TRIBUNAL JUDGE JUSS

Between

**(1) MISS ALMAS SOHAIL;
(2) MR JAHANGIR KHAN
(NO ANONYMITY ORDER MADE)**

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Mr Z Choudhury (solicitor)

For the Respondent: Mr N Smart (HOPO)

**CONSENT TO WITHDRAWAL OF THE APPELLANTS' CASE
(Pursuant to Rule 17(2) of the Tribunal Procedure (Upper Tribunal)
Rules 2008)**

1. The Appellants sought permission to appeal against the determination of Judge Birrell, who in the case of the first Appellant, Almas Sohail, gave a

determination promulgated on 12th March 2014, and in the case of the second Appellant, Jahangir Khan, gave a determination promulgated on 26th March 2014.

2. In both cases, he dismissed the appeals of both these Appellants against the decision of the Respondent to refuse their application made on 21st December 2010 for leave to remain in the UK as Tier 1 (Entrepreneur) Migrants under the points-based system.
3. This decision was made on 11th November 2013.
4. Permission to appeal was granted on 14th April 2014, which has led to the hearing before me.
5. However, on the hearing date before me on 13th June 2014, Mr N Smart, appearing as the Home Office Presenting Officer, asked for permission to be allowed to withdraw the decision of the Respondent dated 11th November 2013, which was based upon an allegation of fraud made against both these Appellants, but which remains unsubstantiated in the documentation, both before the First-tier Tribunal Judge, and before me today.
6. Accordingly, pursuant to Upper Tribunal procedure Rule 17(2), I consented to withdrawal by the Respondent Secretary of State of her case with the consequence that the original decision of the Immigration Judge still stands.

Signed

Date 13th July 2014

Deputy Upper Tribunal Judge Juss