



IAC-BH-JLS-V1

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

Appeal Number: OA/09480/2014

THE IMMIGRATION ACTS

**Bennett House, Stoke
28 January 2016**

**Decision & Reasons Promulgated
On 29 January 2016**

Before

DEPUTY UPPER TRIBUNAL JUDGE GARRATT

Between

**MS JOY MUNDIN MERCADO
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

1. Before the Upper Tribunal the Secretary of State becomes the appellant. However, for the avoidance of confusion and the sake of consistency I shall continue to refer to the parties as they were before the First-tier Tribunal.
2. As this is a matter which relates to withdrawal of the case applying the provisions of Paragraph 17 of the Tribunal Procedure (Upper Tribunal) Rules 2008 on the basis of written representations made by the appellant's solicitors, I consider it appropriate for me to deal with the matter without a hearing.
3. In a decision sent out on 10 August 2015 the First-tier Tribunal allowed the appeal in this matter on human rights grounds against the decision of the respondent to refuse entry clearance as a spouse. Permission to appeal to the Upper Tribunal was granted to the respondent on 9 December 2015.
4. On 4 January 2016 the appellant's representatives, Raffles Haig Solicitors, wrote to the Upper Tribunal to state that their client had instructed them to withdraw "the

appeal". It was indicated that, as the appellant and her spouse had been separated for eighteen months and the matter had gone on "too long for both of them", they had decided to make a fresh application for entry clearance in order to expedite matters.

5. On 12 January 2016 the respondent was informed of the appellant's request to withdraw the appeal and was invited to make any response within 14 days. No response has been received.

Conclusion

6. In the circumstances the Upper Tribunal consents to the withdrawal of the appellant's case under Rule 17.
7. As there is no longer any opposition to the appeal by the respondent before the Upper Tribunal, I allow that appeal so that the respondent's refusal decision of 5 August 2014 stands.

Anonymity

The First-tier Tribunal did not make an anonymity direction and such was not requested before the Upper Tribunal. Accordingly, no direction is made.

Signed

Date

Deputy Upper Tribunal Judge Garratt