



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

Appeal Numbers: IA/11864/2014

THE IMMIGRATION ACTS

**No hearing
16 December 2014**

**Promulgated on
19 December 2014**

Before

MR C M G OCKELTON, VICE PRESIDENT

Between

AHMED SAAD MOSELHY DWIDDAR

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DETERMINATION AND REASONS

1. The relevant facts are set out in a letter I sent to the parties on 30 October 2014.

“In this appeal the (original) appellant succeeded before the First-tier Tribunal to the extent that the decision refusing him leave was set aside on the grounds that it was unlawful. The First-tier Tribunal did not allow the appeal substantively or direct that leave (or other status) be granted.

The Secretary of State sought and obtained permission to appeal to this Tribunal, on grounds that are more than arguable. However in the mean time the original appellant has been granted a residence card as a family member of an EEA national, and no longer wishes to pursue the original application.

There is clearly no purpose in the matter being determined substantively by this Tribunal. The original appellant has sought to 'withdraw his appeal': but that he cannot do as the appeal to the Upper Tribunal is not his appeal. In order to avoid further delay and expense I propose to issue a determination without a hearing, the decision in which will be formally to allow the Secretary of State's appeal, whilst observing that the outcome of these proceedings should not, in the circumstances, be treated as constituting a reasoned decision on any element of the case of either party.

Any proposal to the contrary will be considered if received within **21 days** of the date of this letter."

2. There has been no response.
3. The Secretary of State's appeal is allowed. That decision should not be regarded as a reasoned decision on any element of either party's case.

C. M. G. OCKELTON
VICE PRESIDENT OF THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER
Date: 16 December 2014