



**Upper Tribunal
(Immigration and Asylum Chamber)**
IA/46090/2013

Appeal Number:

THE IMMIGRATION ACTS

Heard at Field House

On 7 April 2014

Determination

Promulgated

On 10 April 2014

Before

UPPER TRIBUNAL JUDGE MOULDEN

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

MISS EVELINI SOARES VIEIRA

Respondent

Representation:

For the appellant: Ms A Holmes a Senior Home Office Presenting Officer

For the respondent: the respondent did not appear and was not represented

NOTICE OF ABANDONMENT AND REASONS

1. The appellant is the Secretary of State for the Home Department. I will refer to her as the Secretary of State. The respondent is a citizen of Brazil who was born on 10 September 1980. I will refer to her as the claimant. The Secretary of State has been given permission to appeal the determination of First-Tier Tribunal Judge Wyman who dismissed the claimant's appeal under the Immigration Rules but allowed it on Article 8 human rights grounds against the Secretary of State's decision of 26 October 2013 to refuse to vary her leave to remain in the United Kingdom

and to remove her by way of directions under section 47 of the Immigration, Asylum and Nationality Act 2006.

2. Prior to the hearing before me the Tribunal received an email from the claimant indicating that she wished to withdraw her appeal and leave the UK at the end of March 2014. The application was refused and she was informed that the hearing would have to proceed because there was an appeal by the Secretary of State against the decision of the First-Tier Tribunal Judge to allow her appeal on human rights grounds. At the hearing I informed Ms Holmes of this and adjourned for her to make enquiries. On her return she informed me that the claimant went to Lunar House on 24 March 2014 and showed an airline ticket to Germany, flight number EZY 5343, departing on 31 March 2014 to Germany. She was given removal directions in form IS96 and signed a form IS101 which, although I have not seen it, I am told indicates that she intended to make a voluntary departure from the UK. Ms Holmes informed me that, as far as the Secretary of State was aware, the claimant made a voluntary departure from the UK on 31 March 2014.

3. In these circumstances the appeal which was brought by the claimant under section 82 (1) of the Nationality, Immigration and Asylum Act 2002 ("the 2002 Act") must be treated as abandoned by reason of section 104(4) of the 2002 Act. Under the provisions of paragraph 17A of The Tribunal Procedure (Upper Tribunal) Rules 2008 I treat the claimant's appeal as abandoned. Notice of abandonment should be given to all parties in accordance with the Rules.

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Signed
Upper Tribunal Judge Moulden

Date 8 April 2014