



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

Appeal Number: IA/29010/2013

THE IMMIGRATION ACTS

Heard at Field House

On 13 May 2015

**Decision and
Promulgated
On 15 May 2015**

Reasons

Before

Deputy Upper Tribunal Judge Pickup

Between

**Aubin Didier Ntchintouo
[No anonymity direction made]**

Appellant

and

Secretary of State for the Home Department

Respondent

Representation:

For the appellant: No attendance

For the respondent: Mr D Clark, Senior Home Office Presenting Officer

CONSENT TO WITHDRAWAL

- 1.** The appellant, Aubin Didier Ntchintouo, date of birth 3.3.79, is a citizen of Cameroon.
- 2.** This is his appeal against the determination of First-tier Tribunal Judge Martins promulgated 25.9.14, dismissing his appeal against the decision of the respondent, dated 17.7.13, to refuse his application for an EEA Permanent Right of Residence Card, pursuant to the Immigration (EEA) Regulations 2006. The Judge heard the appeal on 21.8.14.
- 3.** Upper Tribunal Judge Macleman granted permission to appeal on 3.3.15.

4. Thus the matter came before me on 13.5.15 as an appeal in the Upper Tribunal.
5. However, received on 12.5.15, the day before the hearing, was a letter from the appellant's instructed solicitors, Rana & Co, seeking to withdraw the appeal.
6. The reasons cited in their letter, dated 12.5.15, is that the appellant believes that he qualifies for 10-year residence. In order to apply on that ground he cannot have a pending appeal and make the application at the same time.
7. In the circumstances, the Tribunal consents to the withdrawal, pursuant to Rule 17 of the Tribunal Procedure (Upper Tribunal) Rules 2008.
8. It will be necessary for the Tribunal to notify the parties that the appeal has been.

**Signed
Deputy Upper Tribunal Judge Pickup**

Dated 13 July 2015

Anonymity

I have considered whether any parties require the protection of any anonymity direction. No submissions were made on the issue. The First-tier Tribunal did not make an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

Given the circumstances, I make no anonymity order.

Fee Award Note: this is not part of the determination.

In the light of my decision, I have considered whether to make a fee award (rule 23A (costs) of the Asylum and Immigration Tribunal (Procedure) Rules 2005 and section 12(4)(a) of the Tribunals, Courts and Enforcement Act 2007).

I have had regard to the Joint Presidential Guidance Note: Fee Awards in Immigration Appeals (December 2011).

I make no fee award.

Reasons: The appeal has been withdrawn.

**Signed
Deputy Upper Tribunal Judge Pickup**

Dated 13 July 2015