



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

Appeal Number: IA/15698/2015

THE IMMIGRATION ACTS

**Heard at Bennett House, Stoke-on-Trent
On 19 July 2016**

**Decision & Reasons
Promulgated
On 19 July 2016**

Before

**Deputy Upper Tribunal Judge Pickup
Between**

**Anh Thi Ngoc Ngo
[No anonymity direction made]**

Appellant

and

Secretary of State for the Home Department

Respondent

Representation:

For the appellant: Not represented

For the respondent: Mr C Bates, Senior Home Office Presenting Officer

CONSENT TO WITHDRAWAL

1. This is the appellant's appeal against the decision of First-tier Tribunal Judge Colyer promulgated 7.12.15, dismissing her appeal against the decision of the Secretary of State to refuse further leave to remain in the UK as the spouse of a British citizen. The Judge heard the appeal on 5.11.15.
2. First-tier Tribunal Judge Hodgkinson refused permission to appeal on 17.5.16. However, when the application was renewed to the Upper

Tribunal, Upper Tribunal Judge Jordan granted permission to appeal on 20.6.16.

3. Thus the matter came before me on 19.7.16, listed as an appeal in the Upper Tribunal.
4. By fax copy of an undated letter, received by the Tribunal on the morning of the hearing, the appellant's representatives, Qualified Legal Solicitors, notified the Tribunal that they have received instructions from the appellant that she no longer wishes to pursue the appeal and requesting permission to withdraw the appeal.
5. The appellant attended the hearing and confirmed the instructions.
6. The letter further explains that the appellant has instructed her representatives to submit a fresh application for variation of leave to remain.
7. In the circumstances, the Tribunal consents to the withdrawal of the appeal to the Upper Tribunal, pursuant to Rule 17 of the Tribunal Procedure (Upper Tribunal) Rules 2008.

Decision

8. The appeal is treated as withdrawn.



Signed

Deputy Upper Tribunal Judge Pickup

Dated

Deputy Upper Tribunal Judge Pickup

Consequential Directions

Pursuant to Rule 17(5) the Tribunal must notify each party in writing that a withdrawal has taken effect under this Rule.

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. 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.

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