



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

Appeal Number: OA/08250/2015

**THE IMMIGRATION ACTS**

**Heard at UT (IAC) Field House**

**Decision & Reasons  
Promulgated**

**On 23 August 2017**

**On 6 November 2017**

**Before**

**DEPUTY UPPER TRIBUNAL J G MACDONALD**

**Between**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**and**

**MR BENNETH NDUBUISI OPARA  
(ANONYMITY ORDER NOT MADE)**

Respondent

**DECISION AND REASONS**

1. This is an appeal by the Secretary of State against the decision of First-Tier Tribunal Judge Harris who on 4 January 2017 allowed the appeal of Mr Opara on human rights grounds. Permission to appeal was granted and thus the appeal came before me on the above date.

**The Hearing**

2. Ms Ahmed, the Senior Home Office Presenting Officer, told me that it was accepted that the Judge had been entitled to consider the evidence he had considered and sought leave to withdraw the appeal. There was no opposition to that application.

3. Mindful of Rule 17(2) of the Tribunal Procedure (Upper Tribunal) Rules 2008, I accepted withdrawal of the Secretary of State's case. As a result their appeal to the Upper Tribunal is dismissed.

Signed *JG Macdonald*

Date 3rd November 2017

J G Macdonald  
Deputy Upper Tribunal Judge