



**Upper Tribunal  
(Immigration and Asylum Chamber)**  
VA/35508/2012

Appeal Numbers:

VA/35507/2012  
VA/35510/2012

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 14 June 2012**

**Determination  
Promulgated  
On 18 June 2013**

**Before**

**UPPER TRIBUNAL JUDGE MOULDEN**

**Between**

**ENTRY CLEARANCE OFFICER DHAKA**

Appellant

**and**

**MR MD ZILLUR RAHMAN SUMON  
MRS WAHIDA RAHMAN  
MASTER ABIR EMANI RAHMAN**

Respondents

**Representation:**

For the appellant: Ms J Isherwood a Senior Home Office Presenting Officer  
For the respondents: Mr Z Khan a solicitor from Universal Solicitors

**WITHDRAWAL AND REASONS**

1. The appellant is the Entry Clearance Officer. The respondents are citizens of Bangladesh and respectively husband, wife and their son ("the claimants"). Their applications for visitor visas were refused by the Entry Clearance Officer on 1 October 2012.

2. The claimants appealed and the judge heard their appeals on 27 March 2013, allowing the appeals in a reasoned determination dated to April 2013.
3. The Entry Clearance Officer sought and was granted permission to appeal on the basis that the Immigration Appeals (Family Visitor) Regulations 2012 ("the 2012 Regulations") which came into force on 9 July 2012 meant that because the first claimant said that he wanted to visit his uncle and uncles did not come within the new class of those who had a right of appeal the claimants had no rights of appeal and the judge should not have considered the appeals.
4. Part way through the hearing before me and after a close examination of the application forms Ms Isherwood conceded that the grounds were misconceived. Whilst the sponsor is the first claimant's uncle the first claimant said in his application form that he intended to visit his wife's brother. The second claimant said that she intended to visit her brother. The third claimant said that he intended to visit his grandfather. All these are persons who come within the 2012 Regulations.
5. Ms Isherwood informed me that the Entry Clearance Officer wished to withdraw the appeal to the Upper Tribunal and that part of the case. Mr Khan agreed that this should be done. I record that under the provisions of rule 17 (1) of the Tribunal Procedure (Upper Tribunal) Rules 2008 the Entry Clearance Officer gave notice at the hearing of the withdrawal of the appeal to the Upper Tribunal and that part of the case. I consent to this withdrawal under rule 17 (2). I direct that the Entry Clearance Officer's appeal to the Upper Tribunal shall be treated as withdrawn. This means that the decision of the First-Tier Tribunal Judge allowing the claimants' appeals stands.

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Signed  
June 2013  
Upper Tribunal Judge Moulden

Date 14