



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2022-006358

First-tier Tribunal No:
EA/02959/2022

THE IMMIGRATION ACTS

Decision & Reasons Issued:

15th February 2024

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

ARNOLD SULA

(no anonymity order requested or made)

Appellant (in the FtT)

and

S S H D

Respondent (in the FtT)

Decided without a hearing

DECISION AND REASONS

1. On 8 September 2022, FtT Judge Athwal granted permission for the SSHD to appeal to the UT against the decision of FtT Judge Ripley, in light of *Celik* [2022] UKUT 00220.
2. Proceedings were stayed pending the decision of the Court of Appeal in *Celik*, which was given on 31 July 2021; [2023] EWCA Civ 921.
3. In light of that decision, for all that the appellant has advanced, it is inevitable for the SSHD's appeal to the UT to succeed, and the FtT's decision to be reversed.
4. The appellant, by an email from his representatives of 20 September 2023, sought to "withdraw all her [*sic*] immigration application / appeal".

5. That was procedurally misconceived, as the appeal is by the SSHD.
6. The appellant has not communicated further with the UT, and has not entered into a consent order to dispose of proceedings. Clearly, however, there can be only one outcome.
7. The decision of the FtT is **set aside**. The appeal, as originally brought to the FtT, is **dismissed**.

Hugh Macleman

Judge of the Upper Tribunal
Immigration and Asylum Chamber
9 February 2024