The European Commission of Human Rights sitting in private on 13 October 1986, the following members being present:

MM C.A. NØRGAARD, President
J.A. FROWEIN
F. ERMACORA
E. BUSUTTIL
G. JÖRUNDSSON
G. TENEKIDES
S. TRECHSEL
B. KIERNAN
A.S. GÖZÜBÜYÜK
A. WEITZEL
J.C. SOYER
H.G. SCHERMERS
H. DANELIUS
G. BATLINER
J. CAMPINOS
Mrs G.H. THUNE
Sir Basil HALL
Mr F. MARTINEZ

Mr H.C. KRÜGER, Secretary to the Commission

Having regard to Article 25 (art. 25) of the Convention for the Protection of Human Rights and Fundamental Freedoms;

Having regard to the application introduced on 1 November 1982 by N.C. against the United Kingdom and registered on 5 November 1982 under file No. 10168/82;

Having regard to

- reports provided for in Rule 40 of the Rules of Procedure of the Commission;

- the Commission's decision of 8 March 1983 to bring the application to the notice of the respondent Government without requesting the parties' observations at that stage pending the outcome of the test case of Mmes Abdulaziz, Cabales and Balkandali v. the United Kingdom;

- the information provided by the applicant on 14 May 1986;

- the information provided by the Government on 16 April and 22 July 1986;

Having deliberated;

Decides as follows:

THE FACTS

The applicant is a citizen of the Philippines, born in 1951. She is represented before the Commission by Ms H. Plews of the Hounslow Law Centre.

The applicant originally complained to the Commission of the refusal of British immigration authorities to allow her husband to join her in the United Kingdom. She alleged breaches of Articles 3, 8, 13 and 14 (art. 3, art. 8, art. 14 of the Convention.

Following the communication of the application to the respondent Government, pursuant to Rule 42 para. 2 (b) of the Commission's Rules of Procedure, and the Commission's Report (12.5.83) and the judgment (28.5.85) of the European Court of Human Rights in the test case of

Mmes Abdulaziz, Cabales and Balkandali v. the United Kingdom, the respondent Government reviewed the applicant's case. On 16 April 1986 the Government informed the Commission that the husband's application for entry clearance had been granted and that he would shortly be issued with entry clearance as a husband for admission to the United Kingdom. On 14 May 1986 the applicant's representative informed the Commission that the applicant wished to withdraw her application and submitted a claim for legal costs. On 22 July 1986 the respondent Government informed the Commission that it had been agreed to pay the applicant's legal costs claim.

REASONS FOR THE DECISION

The Commission notes that the applicant's complaint has now been resolved by entry clearance being granted to the applicant's husband to join her in the United Kingdom. It also notes the parties' agreement on legal costs. The Commission considers that there are no reasons of a general character affecting the observance of the Convention which necessitate the further retention of this case. The Commission, therefore, accedes to the applicant's request to withdraw her application.

For these reasons, the Commission

DECIDES TO STRIKE THE APPLICATION OFF ITS LIST OF CASES.

Secretary to the Commission President of the Commission

(H.C. KRÜGER) (C.A. NØRGAARD)