AS TO THE ADMISSIBILITY

Application No. 10579/83
by Shahinabanu I. JANAB
against the United Kingdom

The European Commission of Human Rights sitting in private on 9 December 1987, the following members being present:

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

Mr. H.C. KRÜGER, Secretary to the Commission

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

Having regard to the application introduced on 28 July 1983 by Shahinabanu I. JANAB against the United Kingdom and registered on 30 October 1983 under file No. 10579/83;

Having regard to

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

- the Commission's decision of 12 October 1985 to bring the application to the notice of the respondent Government without requesting written 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 respondent Government on 30 October 1986;

- the information provided by the applicant's representatives on 13 February 1987 and 5 October 1987;

Having deliberated;

Decides as follows:

THE FACTS

The applicant is a citizen of India, born in 1960 and lawfully settled in the United Kingdom since 1978. She is represented before the Commission by Messrs Ramsbottom & Co, solicitors, Blackburn, Lancashire.

In May 1982 the applicant's Indian fiancé was refused entry clearance to marry and live with the applicant in the United Kingdom. The refusal was made by British immigration authorities, pursuant to paragraph 52 of the Statement of Changes in Immigration Rules HC 394.

COMPLAINTS

The applicant originally complained to the Commission of sexual discrimination in relation to her rights under Articles 12 and 14 of the Convention.

PROCEEDINGS BEFORE THE COMMISSION

The application was introduced on 28 July 1983 and registered on 30 October 1983.

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 of the European Court of Human Rights in the test case of Mmes Abdulaziz, Cabales and Balkandali (judgment of 28 May 1985, Series A no. 94), the Government reviewed the applicant's case. On 30 October 1986 the Government informed the Commission that the applicant's fiancé had been granted entry clearance on 28 August 1986 and had entered the United Kingdom. On 13 February 1987 the applicant's representatives informed the Commission that the applicant would withdraw her case, subject to the payment by the Government of her legal costs. On 5 October 1987 the applicant's representatives informed the Commission that legal costs had been agreed with the Government and that the applicant now wished to withdraw her case formally.

REASONS FOR THE DECISION

The Commission notes that the applicant's complaint has now been resolved by the grant of entry clearance to her fiancé. 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)