The European Commission of Human Rights sitting in private on 15 July 1986 the following members being present:

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

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 18 April 1984 by Jose, A. and B.R., A. and G.F. against the United Kingdom and registered on 20 June 1984 under file No. 11009/84;

Having regard to

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

- the Commission's decision of 3 October 1984 to bring the application to the notice of the respondent Government without requesting the parties' written observations at that stage pending the outcome of the cases of Mmes Abdulaziz, Cabales and Balkandali v. the United Kingdom;

- the information provided by the respondent Government on 14 February and 10 June 1986;

- the information provided by the applicants on 18 February and 11 June 1986;

Having deliberated;

Decides as follows:

THE FACTS

The applicants are all citizens of Portugal residing in London. The first applicant (the husband) was born in 1956, the second applicant (the wife) in 1963, the third applicant (the son) in 1983, the fourth applicant (the grandmother) in 1945 and the date of birth of the fifth applicant is unknown.

They are represented before the Commission by Messrs Fisher, Meredith & Partners, Solicitors, London.

The applicants originally complained to the Commission of the refusal of British immigration authorities to allow the first applicant to remain in the United Kingdom. The applicants invoked Articles 3, 8, 13 and 14 (art. 3, art. 8, art. 13, art. 14) of the Convention.

Following the communication of the application to the respondent

Government, pursuant to Rule 42 (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 applicants' case. On 14 February 1986 the Government informed the Commission that the first applicant had been granted twelve months' leave to remain in the United Kingdom (renewable indefinitely). On 18 February 1986 the applicants stated that they would request the withdrawal of the case if legal costs were met. On 10 June 1986 the respondent Government undertook to meet the applicants' legal costs claim, upon which, on 11 June 1986, the appliants confirmed their request to withdraw the application.

REASONS FOR THE DECISION

The Commission notes that the applicants' complaint has now been resolved by the leave granted to the first applicant to remain with the other applicants 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 applicants' request to withdraw their 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)