

**Upper Tribunal**

**(Immigration and Asylum Chamber)** Appeal Numbers: EA/00631/2018

**THE IMMIGRATION ACTS**

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| **Heard at Field House** | **Decision & Reasons Promulgated** |
| **On 02 July 2018** | **On 07 August 2018** |
|  |  |

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE DAVIDGE**

**Between**

**Mr Francis ANNO WADJA**

**(anonymity direction NOt made)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

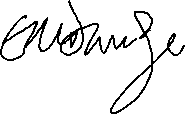
For the Appellant: Mr M Ume-Ezeoke, instructed directly

For the Respondent: Ms A Everett, Senior Home Office Presenting Officer

**Notice of Extempore Decision**

1. Rule 40(3) of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/2698 as amended) applies to this decision.
2. These appeals concern an EEA claim. Both parties were agreed that the judge fell into error for the reasons set out in the grant of permission to the points that the decree absolute was before him and the fact of divorce was not in issue and he should not have placed weight on the absence of the originals of documents when the originals had been seen by the respondent. Both parties were in agreement that I should set the decision aside and remake it allowing the appellant’s appeal.
3. By consent the appeal to the Upper Tribunal is allowed as follows:
   1. the First-tier Tribunal decision is infected by error of law.
   2. the First-tier Tribunal decision is set aside.
   3. I remake the decision allowing the appellant’s appeal on EEA grounds.

Signed Date 26 July 2018



Deputy Upper Tribunal Judge Davidge