

**Upper Tribunal**

**(Immigration and Asylum Chamber)** Appeal Number: EA/01854/2017

**THE IMMIGRATION ACTS**

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| **Heard at Manchester Civil Justice Centre** | **Decision & Reasons Promulgated** |
| **On 14th September 2018** | **On 17th September 2018** |
|  |  |

**Before**

**UPPER TRIBUNAL JUDGE COKER**

**Between**

**ifeyinwa miriam okafor**

Appellant

**and**

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

Respondent

Representation

For the appellant: Ms C Warren counsel instructed by T M Fortis solicitors

For the respondent: Mr A McVeety, Senior Home Office Presenting Officer

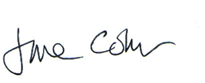
**DETERMINATION BY CONSENT**

Pursuant to Rule 39 of the Tribunal Procedure (Upper Tribunal) Rules 2008 and by the consent of the parties the following order is made:

Upon the determination by First-Tier Tribunal Judge J J Maxwell promulgated on 31st May 2018 disclosing a material error of law and being set aside on 14th September 2018.

And upon the parties agreeing that the evidence establishes that Ms Okafor is entitled to a residence card as confirmation of her right of residence in the UK, the appeal by Ms Okafor against the refusal of the residence card is allowed.

The appeal in the Upper Tribunal is allowed. The decision of the First-tier Tribunal is set aside for legal error. The appeal against the decision giving rise to the appeal in the First-tier Tribunal is allowed.



Signed Date 14th September 2018

Upper Tribunal Judge Coker