

**Upper Tribunal**

**(Immigration and Asylum Chamber)** Appeal Number: EA/04971/2016

EA/06100/2016

**THE IMMIGRATION ACTS**

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| **Heard at Civil Justice Centre, Manchester** | **Decision & Reasons Promulgated** |
| **On 16th July 2018** | **On 17th July 2018** |
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**Before**

**UPPER TRIBUNAL JUDGE COKER**

**Between**

**MUHAMMAD WALAYAT**

**HAZRAN BI**

Appellants

**And**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr Park, instructed by Walters & Plaskitt solicitors

For the Respondent: Mr Tan, Senior Home Office Presenting Officer

**DECISION AND REASONS**

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

1. Upon the determination by First-Tier Tribunal Judge Tully promulgated on 25th October 2017 disclosing a material error of law and being set aside on 16th July 2018.
2. And upon the parties agreeing that the evidence establishes the unchallenged findings of fact and that they are the dependent direct relatives of their Danish national son, their appeal against the decision to refuse to issue them with residence cards is allowed.
3. The appeal in the Upper Tribunal is allowed.
4. The decision of the First-tier Tribunal is set aside for legal error.
5. The appeal against the decision giving rise to the appeal in the First-tier Tribunal is allowed.



Date 16th July 2018

Upper Tribunal Judge Coker