



**Upper Tribunal  
(Immigration and Asylum Chamber)**

Appeal Numbers: IA/13521/2013

**THE IMMIGRATION ACTS**

**Heard at Field House, London**

**Determination**

**On 8 April 2014**

**Promulgated**

**On 22 May 2014**

**Before**

**The President, The Hon. Mr Justice McCloskey  
and Upper Tribunal Judge C Lane**

**Between**

**VALENTINA IVANOVA**

Appellant

**and**

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

Respondent

**DECISION OF THE PRESIDENT, THE HON. MR JUSTICE McCLOSKEY**

1. This appeal was listed for hearing before the Upper Tribunal on 08 April 2014. Having considered the representations of both parties, it was adjourned to 15 April 2014.
2. The appeal has its origins in a decision by the Secretary of State whereby the Appellant's application for a residence card under the Immigration (European Economic Area) Regulations 2006 was refused. At the hearing on 08 April 2014, the Secretary of State's representative accepted that the FtT had erred in law in dismissing the Appellant's appeal and canvassed the possibility of withdrawing the decision.

3. By letter dated 22 April 2014, the Secretary of State's representative has signified a further decision whereby the impugned decision has been withdrawn. The consequence is that it will be reconsidered and made afresh.
4. In these circumstances, having regard to Rule 17 of the Tribunal Procedure (Upper Tribunal) Rules 2008 and the decision of the Upper Tribunal in SM v Secretary of State for the Home Department [2014] UKUT64 (IAC), the appropriate order is to allow the appeal on the basis that the Secretary of State's original decision was not in accordance with the law.
5. This Order will become final on 09 May 2014. If either party wishes to make any representations, they must be received before that date.

Signed:

*Seamus McCloskey*

THE HON. MR JUSTICE MCCLOSKEY  
PRESIDENT OF THE UPPER TRIBUNAL  
IMMIGRATION AND ASYLUM CHAMBER

Date: 02 May 2014