



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

Appeal Number: IA/36253/2014

**THE IMMIGRATION ACTS**

**Determined on the papers at Field House  
On 1<sup>st</sup> July 2015**

**Decision and Reasons Promulgated  
On 2<sup>nd</sup> July 2015**

**Before**

**UPPER TRIBUNAL JUDGE COKER**

**Between**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**And**

**GIBSON SEMA DINGANA**

Respondent

**DETERMINATION AND REASONS**

1. The FtT allowed the appeal of Mr Dingana against a decision of the respondent to refuse to issue him with a residence card as an extended family member under the Immigration (European Economic Area) Regulations 2006.
2. The SSHD was granted permission on the grounds that the FtT judge erred law in allowing the appeal and it was arguable that the application should have been allowed to the extent that it was remitted to the SSHD to enable her to exercise discretion is appropriate.
3. The hearing of the appeal was listed for 21st July 2015. In the light of correspondence received from both parties that they are aware that the outcome of the appeal will be that an error of law is found and the matter will be remitted to the SSHD as in paragraph 2 above, they are content for this appeal to be disposed of on the papers. I delist the hearing and make the following decision:
4. I am satisfied the FtT erred in law in allowing the appeal. The decision of the FtT is set aside and I remake the decision by allowing it only to the extent that it is remitted to the SSHD for her to consider the exercise of discretion.

Date 1<sup>st</sup> July 2015

Upper Tribunal Judge Coker