



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

Appeal Number: EA/01854/2017

THE IMMIGRATION ACTS

**Heard at Manchester Civil Justice Centre
On 14th September 2018**

**Decision & Reasons Promulgated
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
Upper Tribunal Judge Coker

Date 14th September 2018