



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

Appeal Number: IA/00294/2016

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 13 February 2018**

**Direction & Determination  
Promulgated  
On 22 February 2018**

**Before**

**UPPER TRIBUNAL JUDGE JORDAN**

**Between**

**Rushel [M]**

Appellant

**and**

**The Secretary Of State For The Home Department**

Respondent

**Representation:**

For the appellant: Mr J. Waithe, Counsel, instructed by Okafor & Co.,  
Solicitors

For the respondent: Mr S. Kotas, Home Office Presenting Officer

**Direction remitting the case to the First-tier Tribunal**

Whereas:

1. My decision (i) finding that there was an error on a point of law and (ii) setting aside the determination of the First-tier Tribunal was sent to the parties on 6 December 2017

2. I directed that the Upper Tribunal hear and determine the appeal and re-make the decision and gave directions for the hearing of the appeal in the Upper Tribunal.
3. Neither Mr Kotas acting for the Secretary of State nor the Tribunal knew that the appellant's mother had received a decision refusing her application for a derivative residence card following her divorce from [PR], (a French national and this appellant's step-father).
4. The appellant's mother, [CD], has appealed against the decision to the First-tier Tribunal and her appeal numbered EA/04375/2017 will be heard on 11 May 2018 at Taylor House.
5. The issues raised in the mother's appeal are, in part, the same issues as are to be determined in this appellant's appeal.
6. In order to avoid any inconsistency in decision making in the respective appeals of mother and daughter, the remaking of the decision in the daughter's appeal should be heard and determined by the same judge who hears and determines the mother's appeal.

**ORDER**

- (i) I set aside my decision directing that the re-making of this decision is to be heard in the Upper Tribunal and direct that it is linked to the mother's appeal.
- (ii) I remit the appeal to the First-tier Tribunal for it to be re-made with the mother's appeal on 11 May 2018 at Taylor House.
- (iii) The material in the two appeals (including the respective statements of the parties' cases in this appeal) shall be common to both.

ANDREW JORDAN  
JUDGE OF THE UPPER TRIBUNAL  
13 February 2018