



**Upper Tribunal
(Immigration and Asylum Chamber)
IA/10957/2014**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Field House

On 8 May 2018

**Decision &
Promulgated**

On 11 May 2018

Reasons

Before

UPPER TRIBUNAL JUDGE PITT

Between

IPC

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS


1. This appeal has been remitted to the Upper Tribunal by the Court of Appeal in order for a decision to be made on whether the appellant, notwithstanding her criminal conduct, qualifies for a residence card showing her to have derivative residence rights as the primary carer of an EEA national.
2. The respondent now concedes that the appellant's criminal conduct cannot amount to the level of criminality that can be characterised as the "exceptional circumstances" required to justify her expulsion; see SSHD v CS [2016] EUECJ C-304/14.
3. The respondent initially proposed to withdraw her case before the Upper Tribunal by way of ending this matter. The case before the Upper Tribunal was brought by the appellant, however, not the respondent. The respondent has no "case" to withdraw. After a telephone conversation

with Mr Duffy, Senior Home Office Presenting Officer, it was agreed that the respondent conceded that the appeal should be allowed.

4. On that basis, the appeal is allowed under the Immigration (European Economic Area) Regulations 2006.

Notice of Decision

The appeal is allowed under the Immigration (European Economic Area) Regulations 2006.

Signed: 
May 2018
Upper Tribunal Judge Pitt

Date: 8