



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

Appeal Number: EA/06369/2016

THE IMMIGRATION ACTS

Determined at Field House

**Decisions & Reason
Promulgated**

On 7th January 2019

On 15th January 2019

Before

UPPER TRIBUNAL JUDGE COKER

Between

OLUSANJO AKINFENWA AWODE

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

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 Traynor promulgated on 11th April 2018 disclosing a material error of law and being set aside on 5th November 2018 by consent.

And upon the Secretary of State being satisfied that the appellant acquired a permanent right of residence under Regulation 15(1)(f) of the Immigration (European Economic Area) Regulations 2006 on 30th August 2014: Ms Boutchich was demonstrably exercising Treaty rights throughout the 4 years 11 months of the marriage including at the date of initiation of divorce proceedings and Mr Awode met the requirements of regulation 10(3)/(6) by way of his own employment until completion of 5 years

The appeal by Mr Awode against the refusal of his permanent 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.

Jme Coker

Signed
Upper Tribunal Judge Coker

Date 7th January 2019