



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

Appeal Number: EA/07417/2016

THE IMMIGRATION ACTS

**Heard at Field House
On 19 December 2019**

**Decision & Reasons Promulgated
On 31 December 2019**

Before

UPPER TRIBUNAL JUDGE KOPIECZEK

Between

**SAROJ KUMARI
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr A. Khurram, Counsel

For the Respondent: Mr I Jarvis, Senior Home Office Presenting Officer

**DECISION PURSUANT TO RULE 40(3)(a) OF THE TRIBUNAL PROCEDURE
(UPPER TRIBUNAL) RULES 2008**

1. The appellant, a citizen of India, appealed to the First-tier Tribunal ("FtT") against a decision to refuse to issue a residence card as a dependant relative of a British citizen, pursuant to regulation 9 of the Immigration (European Economic Area) Regulations 2006. The FtT dismissed the appellant's appeal.
2. Permission to appeal the FtT's decision having been granted, the appeal came before me on 19 December 2019.

3. At the hearing before me it was agreed between the parties that the FtT erred in law in dismissing the appeal, for the reasons set out in the grounds of appeal and in the light of the decision in *ZA (Reg 9.EEA Regs: abuse of rights) Afghanistan* [2019] UKUT 00281 (IAC).
4. It was further agreed between the parties that in those circumstances the appropriate outcome is for the decision of the FtT to be set aside for the decision to be re-made in the Upper Tribunal, allowing the appeal.
5. I agree that that is the appropriate course and I decide this appeal in the terms set out in paragraph 4 above.
6. Pursuant to rule 40(3)(a) of the Tribunal Procedure (Upper Tribunal) Rules 2008, no reasons (or further reasons) are required, the decision being made with the consent of the parties.

Upper Tribunal Judge Kopieczek

19/12/19