



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

Appeal Numbers: EA/03491/2018
EA/03494/2018

THE IMMIGRATION ACTS

No Hearing

**Decision & Reasons Promulgated
On 17 December 2020**

Before

UPPER TRIBUNAL JUDGE BLUNDELL

Between

**KHURSHID RAHAT
MUHAMMAD SIDDIQUE IJAZ
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

1. This appeal was due to be heard on 9 November 2020. On 6 November 2020, the parties requested the Upper Tribunal to dispose of the proceedings by making a consent order under rule 39(1) of the Tribunal Procedure (Upper Tribunal) Rules 2008. The draft order, which was signed by the parties' representatives on 6 November 2020, was in the following terms:

Pursuant to rule 39(1) of the Tribunal Procedure (Upper Tribunal) Rules 2008, the parties consent to the disposal of the above appeal on the following agreed basis:

- (1) *That with the Tribunal's consent order under Rule 17(2) the Secretary of State withdraws her case that the appellants do not meet the requirements under the EEA Regulations 2016 to be issued with family permits as the*

family members of Mrs Inese Dreimane, their daughter-in-law.

(2) That the decision of the First-tier Tribunal is set aside, and the appeal allowed for the following summary reasons.

- The Secretary of State agrees with the appellant's arguments that Mrs Dreimane falls to be treated as an "EEA National" under Regulation 2 as prior to acquiring British citizenship she had a right of permanent residence.*
- It is accepted that the appellants are dependent upon Mrs Dreimane and their son, her husband.*
- No other issues exist as to the eligibility under Regulation 7 for a right of admission and residence.*

2. I approved the consent order on 6 November 2020. By consent, therefore, the appeal is allowed under the EEA Regulations.

Notice of Decision

The appeal is allowed under the EEA Regulations by consent.

No anonymity direction is made.

M.J.Blundell

Judge of the Upper Tribunal
Immigration and Asylum Chamber

17 December 2020