



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

Appeal Number: UI-2023-002320
EA/08662/2022

THE IMMIGRATION ACTS

Heard at Field House

On 23 August 2023

**Decision & Reasons
Promulgated**

On 7 September 2023

Before

**UPPER TRIBUNAL JUDGE PITT
DEPUTY UPPER TRIBUNAL JUDGE FARRELLY**

Between

**MRS UMMU NAZEEHA KHAN MOHAMED IQBAL
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Hingora, Counsel instructed by Jein Solicitors
For the Respondent: Ms Cunha, Senior Home Office Presenting Officer

DECISION AND REASONS

1. This is an appeal against the decision issued on 12 April 2023 by First-tier Tribunal G A Black which refused the appellant's appeal against a decision of the respondent refusing her application for pre-settled status under Appendix EU of the Immigration Rules.
2. Mrs Iqbal is a citizen of France. She was born on 13 January 1961.

3. On 22 August 2022 the respondent refused to issue Mrs Iqbal with pre-settled status under Appendix EU. The application for pre-settled status was refused as the respondent did not accept that the applicant had shown that the provisions of Rule EU14 were met as the applicant had not shown that she was resident in the United Kingdom (UK) in the 6 months prior to the specified date of 31 December 2020.
4. First-tier Tribunal Judge Black found that the applicant had not met the provisions of Appendix EU as she had not been in the UK for a continuous qualifying period prior to the specified date of 31 December 2020; see paragraph 11 of the First-tier Tribunal decision.
5. Before us, Ms Cunha accepted for the respondent that the applicant did not have to show that she was continuously resident for 6 months (or any other period) prior to 31 December 2020. She only had to show that she was resident prior to 31 December 2020. Ms Cunha accepted that the evidence before the First-tier Tribunal had shown the required residence prior to 31 December 2020. It was conceded that the evidence had shown that the applicant qualified for pre-settled status.
6. Ms Cunha conceded that where the First-tier Tribunal found otherwise that this amounted to a material error on a point of law such that the decision should be set aside to be remade. She also conceded that the appeal should be remade as allowed as the appellant had shown that she met the requirements of Rule EU 14 and was entitled to a grant of pre-settled status.

Notice of Decision

7. The decision of the First-tier Tribunal discloses an error on a point of law and is set aside to be remade.
8. The appeal is remade as allowed under Appendix EU of the Immigration Rules.

Signed: S Pitt
Upper Tribunal Judge Pitt

Date: 23 August 2023