



**Upper Tribunal
(Immigration and Asylum Chamber)
IA/17516/2014**

Appeal Number:

THE IMMIGRATION ACTS

**Heard at Field House
On 21 November 2014**

**Determination
Promulgated
On 9 December 2014**

Before

DEPUTY UPPER TRIBUNAL JUDGE DRABU CBE

Between

MISS IFEOMA SILVIA IBEH

(ANONYMITY DIRECTION NOT MADE)

Appellant

And

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: No appearance

For the Respondent: Mr Shilliday, Senior Presenting Officer

DECISION AND REASONS

1. This appeal has been brought by the appellant, a national of Nigeria whose date of birth is 22 November 2002. Her application to be allowed to remain in the UK under Regulation 26 of the Immigration (European Economic Area) Regulations 2006 was rejected by the respondent as the respondent was not satisfied that she was a family member of Christan Emezie Ibeh (the sponsor) a Dutch national. Her appeal was heard at Richmond. It was decided on papers and dismissed by First Tier Tribunal Judge Fox on 12

August 2014 for reasons given in the determination promulgated on 12 August 2014. On 1 September 2004 the appellant wrote to the Tribunal and based upon this letter Judge Hollingworth, a Judge of the First Tier Tribunal granted the appellant permission to appeal. In his decision the Judge said, "Confusion has arisen as to the sequence of decisions in the context of the validity of an appeal. Doubt has arisen in relation to the scope of material available for a substantive hearing. In the circumstances arguable errors of law have arisen. The case must therefore be listed for a full oral hearing."

2. At the hearing before me upon a careful perusal of the case file I concluded, having first given Mr Shilliday to make representations to the contrary that this appeal should be remitted to be heard afresh by the First Tier Tribunal sitting at Taylor House. London.
3. Accordingly this appeal is allowed and remitted to the First Tier Tribunal sitting at Taylor House. The appellant upon receipt of the notice of hearing from Taylor House must make immediate arrangements for representation at the appeal and file the papers that she intends to rely on in support of her appeal, seven days in advance of the date of hearing.

K Drabu CBE
Deputy Judge of the Upper Tribunal.
4 December 2014