



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

Appeal Number: IA/10765/2015

THE IMMIGRATION ACTS

**Heard at Bradford
On 29th June 2016**

**Decision & Reasons
Promulgated
On 7th July 2016**

Before

UPPER TRIBUNAL JUDGE D E TAYLOR

Between

**EDWARD UGBOH
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: No appearance by the appellant, who was represented by
A & A Solicitors

For the Respondent: Ms R Peterson, Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a citizen of Nigeria born on 31st August 1982. He applied for a residence card as a family member of a qualified person under Regulation 17(1) of the EEA Regulations 2006 but was refused on the grounds that the respondent was not satisfied that he was a direct family

member of the EEA national since, as a result of the answers given by both parties at interview, she had concluded that the appellant had attempted to enter into a marriage of convenience.

2. The matter came before Judge Jones on 24th September 2015. In a decision promulgated on 5th October 2015 Judge Jones found that no marriage had taken place because of the intervention of Immigration Officers but that in fact the appellant did intend to enter into a marriage of convenience. Furthermore the EEA national was not exercising treaty rights.
3. The judge however allowed the appeal under the EEA Regulations but dismissed it under Article 8.
4. The appellant sought permission to appeal but in the interim a fresh decision was promulgated by Judge Jones on 26th October 2015 dismissing the appeal both under the EEA Regulations and under Article 8.
5. The appellant challenged that decision on the basis that it was a nullity. In granting permission to appeal, Upper Tribunal Judge Martin stated that it was correct that the judge could not amend the judgment under the slip rule if by doing so the outcome was altered, as in this case. Accordingly she granted permission and suggested that, since there was no challenge to the substance of the reasoning, the Upper Tribunal should issue a direction to both parties seeking submissions as to why the case should not be remitted to the same First-tier Tribunal Judge to deal with submissions as to why the appeal should be allowed or dismissed on the basis of his unimpugned findings.
6. Accordingly on 29th April 2016 Upper Tribunal Judge Eshun issued those directions.
7. Prior to the hearing I received notification from the appellant's solicitors that he was in Nigeria and confirmation from the Presenting Officer that he had made a voluntary departure from the UK.
8. Accordingly the appellant's appeal is abandoned. The consequence is that the decision of Judge Jones promulgated on 26th October 2015 is a nullity since the judge had no jurisdiction to amend his judgment under the slip rule. Accordingly the decision promulgated on 5th October 2015 will stand.

Notice of Decision

Appeal abandoned.

Deborah Taylor

Signed

Date 6 July 2016

Upper Tribunal Judge Taylor