



IAC-BH-PMP-V1

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

Appeal Number: IA/45162/2014

**THE IMMIGRATION ACTS**

**Heard at Field House**

**On 28 April 2016**

**Decision &  
Promulgated  
On 9 May 2016**

**Reasons**

**Before**

**UPPER TRIBUNAL JUDGE RINTOUL**

**Between**

**RAMAT MOREJOY OLAWUNMI AHMADU  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr C Avery, Presenting Officer  
For the Respondent: in person

**DECISION AND REASONS**

1. The Secretary of State appealed with permission against the decision of First-tier Tribunal Judge M J Gillespie promulgated on 9 June 2015 in which he allowed the respondent's appeal against the decision of the Secretary of State to revoke her residence card which confirmed her right of residence as the spouse of an EEA national exercising Treaty Rights here.

The judge did, however, dismiss the appeals of her children, Fredaous Eniola Ayoola (IA/35280/2014) and Faiz Mobolaji Ayoola (IA/33426/2014). There were no appeals against those decisions.

2. On 21 January 2016 a decision by Deputy Upper Tribunal Judge I A Lewis was promulgated in which he gave reasons why the decision of the First-tier Tribunal involved the making of an error of law, and set it aside. A copy of that decision is attached.
3. Subsequent to that decision, the judge gave directions that the remaking of the decision should be stayed pending resolution of the applications made by Ms Ahmadu's children, Fredasous Eniola Ayoola, Faiz Mobolaji Ayoola and Mubarack Mofotlotion Bamidele Biobaku for residence cards confirming their right of residence as the family members of an EEA national ( the appellant's husband).
4. On 9 March 2016, the Secretary of State refused the children's applications. They have now lodged appeals against those decisions which are pending before the First-tier Tribunal.
5. These appeals, and the remaking of this appeal, turn on whether the appellant's husband is exercising Treaty rights. In the circumstances, it is in the interest of justice that the files are linked and heard together and it therefore follows, that this appeal must be remitted to the First-tier Tribunal to be determined afresh at the same time as the appeals of the children.

### **SUMMARY OF CONCLUSIONS**

1. The decision of the First-tier Tribunal involve the making of an error of law and it is set aside.
2. The appeal is remitted to the First-tier Tribunal for a fresh decision on all issues.
3. **The appeal should be linked with and heard with the appeals of the following who are the appellant's children:**

**Fredasous Eniola Ayoola EA/03811/2016**

**Faiz Mobolaji Ayoola EA/03814/2016**

**Mubarack Mofotlotion Bamidele Biobaku EA/03818/2016**

Signed

Date: 28 April 2016

Upper Tribunal Judge Rintoul