



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Numbers: IA/21064/2013

THE IMMIGRATION ACTS

No hearing
On 6 March 2014

Promulgated on
On 25 March 2014

Before

MR C M G OCKELTON, VICE PRESIDENT

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

ANASTASIYA KRATSOVA

Respondent

DETERMINATION AND REASONS

1. Mrs Anastasiya Kratsova is a citizen of Belarus who appealed to the First-tier Tribunal against the decision of the respondent refusing her a permanent residence card as the family member of an EEA National. Following discussion at the hearing, the appeal was allowed. The Secretary of State now has permission to appeal.
2. Following the grant of permission I wrote to the parties seeking their comments on my proposal to dismiss the appeal, for the reasons that follow.

“I note that the judge allowed the appeal simply on the basis that “the decision is not in accordance with the law”, “as the Respondent has not considered Regulation 10(5) and 14(3) of the 2006 Regulations”. Contrary to what is suggested in the Secretary of State’s grounds, the judge made no finding on whether the requirements of those or any other regulations were fulfilled.

The effect of his determination is that the appellant’s application remains outstanding awaiting a lawful decision. That, as I understand the Secretary of State’s position, is exactly what was agreed at the hearing”.

3. Neither party has, within the time allowed for response, raised any objection.
4. There was no error of law. The Secretary of State’s appeal is dismissed.

C M G OCKELTON
VICE PRESIDENT OF THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER
Date: 06 March 2014