



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

Appeal Number: EA/06580/2017

THE IMMIGRATION ACTS

**Heard at Field House
On 9th November 2018**

**Decision & Reasons Promulgated
On 15th November 2018**

Before

UPPER TRIBUNAL JUDGE COKER

Between

MUTHUSWAMY MANGAYATKARASI

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr R Halim, instructed by Jein solicitors

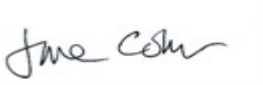
For the Respondent: Mr N Bramble, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant's appeal against the decision of the respondent refusing her a residence card as a dependant was dismissed by First-tier Tribunal judge Greasley in a decision promulgated on 19th June 2018. Permission to appeal was sought and granted on the grounds that the First-tier Tribunal judge had unfortunately not been fully appraised of the situation regarding the last-minute instructing of Jen solicitors and their earlier request and apology in advance for filing the bundle of documents late. The judge refused to admit the bundle and so took a decision without the benefit of any evidence from the appellant.

2. It was apparent from the file before me that the solicitors had been in correspondence with the Tribunal and had given an adequate explanation for the late service of the documents. As accepted by Mr Bramble, the First-tier Tribunal judge erred in law (albeit because of a lack of information before him) in failing to consider either putting the case back to enable the presenting officer to consider the documents or adjourning to enable the respondent to consider the documents.
3. I set aside the decision to be remade.
4. This is an appeal where there have been no findings made at all and where relevant evidence has not been considered. I remit the appeal to the First-tier Tribunal to be heard afresh.

Date 9th November 2018



Upper Tribunal Judge Coker