



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-004525
First-tier Tribunal No: EU/50521/2023
LE/00610/2023

THE IMMIGRATION ACTS

**Decision & Reasons Issued:
On 24 December 2023**

Before

UPPER TRIBUNAL JUDGE SHERIDAN

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**NATALIE GHERSI
(NO ANONYMITY ORDER MADE)**

Respondent

Representation:

For the Appellant: Mr E Terrell, Senior Home Office Presenting Officer

For the Respondent: Ms A Delbourgo, Counsel instructed by Hamilton Rees Solicitors

Heard at Field House on 20 November 2023

DECISION AND REASONS

1. The Secretary of State is appealing against a decision of Judge of the First-tier Tribunal Mill, dated 7 September 2023, allowing an appeal by the respondent under the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020.
2. The central issue in contention before the First-tier Tribunal was whether the respondent was entitled to leave under the EUSS on the basis that she had been residing in the UK for a continuous qualifying period before the specified date of 31 December 2020.
3. At the start of the hearing, Mr Terrell conceded the appeal. He accepted that the respondent satisfied the necessary conditions under Appendix EU. With respect to whether the continuous qualifying period requirement had been met, which

was the issue that had been in contention, Mr Terrell conceded that it had by operation of subparagraph (c)(ii)(aa) of the definition of continuous qualifying period in Annex 1. Mr Terrell accepted that, in the light of this, the decision of the First-tier Tribunal should not be set aside.

Notice of decision

4. In the light of the Secretary of State's concession, the decision of the First-tier Tribunal stands.

D. Sheridan

Judge of the Upper Tribunal
Immigration and Asylum Chamber

19 December 2023