



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

IA/05049/2014

Appeal Number

IA/05050/2014

THE IMMIGRATION ACTS

Heard at Field House  
On 19<sup>th</sup> May 2014  
Prepared 19<sup>th</sup> May 2014

Determination Promulgated  
On 6<sup>th</sup> June 2014

Before

DEPUTY UPPER TRIBUNAL JUDGE PARKES

Between

FLORENCE OSAS SANDRA OGBEIDE  
(ANONYMITY DIRECTION NOT MADE)

First Appellant

And

OBOZUWA CHRIS AKINRINADE  
(ANONYMITY DIRECTION NOT MADE)

Second Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: No appearance

For the Respondent: Miss R Petterson (Home Office Presenting Officer)

DETERMINATION AND REASONS

1. The First Appellant applied for a residence card as the spouse of an EEA national exercising treaty rights in the UK. The Second Appellant does not appear to have a relevant immigration decision.
2. The Appellants' case was considered by First-tier Tribunal Judge Law at Arnhem House on the 27<sup>th</sup> of February 2014. On the basis that the Appellants had not provided the immigration decision to which the appeal related the appeals were dismissed.
3. The Appellants sought permission to appeal on the basis that they had faxed in the relevant documentation ahead of the consideration of the appeal. It was clear to First-tier Tribunal Judge Cox who granted permission that through no fault of Judge Laws the papers referred to had been

faxed to the Tribunal but had reached the file after the appeal had been dismissed. On that basis permission was granted.

4. It is clear that the Appellants did send in the required information ahead of their appeals being considered by the First-tier Tribunal, through an administrative error the Appellants' papers were not filed as required with the First-tier Tribunal file. Technically this is an error although there is no fault attached to the Judge but in the circumstances the appeal has to be allowed and the appeals remitted to the First-tier Tribunal for full consideration. That includes a decision on the validity of the appeal of the Second Appellant.

## CONCLUSIONS

The making of the decision of the First-tier Tribunal involved the making of an error on a point of law.

I set aside the decision.

The appeals of the Appellants are remitted to the First-tier Tribunal at Arnhem House with all issues remaining open for consideration.

### Anonymity

The First-tier Tribunal did not make an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005 and I make no order.

### Fee Award

I make no fee order as that is a matter to be considered by the First-tier Tribunal.

Signed:

Deputy Judge of the Upper Tribunal (IAC)

Dated: 4<sup>th</sup> June 2014