



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Numbers: EA/00631/2018

**THE IMMIGRATION ACTS**

Heard at Field House  
On 02 July 2018

Decision & Reasons Promulgated  
On 07 August 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE DAVIDGE

Between

MR FRANCIS ANNO WADJA  
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Mr M Ume-Ezeoke, instructed directly

For the Respondent: Ms A Everett, Senior Home Office Presenting Officer

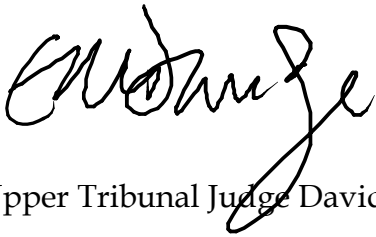
**Notice of Extempore Decision**

1. Rule 40(3) of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/2698 as amended) applies to this decision.
2. These appeals concern an EEA claim. Both parties were agreed that the judge fell into error for the reasons set out in the grant of permission to the points that the decree absolute was before him and the fact of divorce was not in issue and he should not have placed weight on the absence of the originals of documents when the originals

had been seen by the respondent. Both parties were in agreement that I should set the decision aside and remake it allowing the appellant's appeal.

3. By consent the appeal to the Upper Tribunal is allowed as follows:
  - (a) the First-tier Tribunal decision is infected by error of law.
  - (b) the First-tier Tribunal decision is set aside.
  - (c) I remake the decision allowing the appellant's appeal on EEA grounds.

Signed



Date 26 July 2018

Deputy Upper Tribunal Judge Davidge