



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: EA/02632/2017

**THE IMMIGRATION ACTS**

Heard at Field House  
On 7<sup>th</sup> August 2018

Decision & Reasons Promulgated  
On 22<sup>nd</sup> August 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE DAVIDGE

Between

FAISAL TAHSEEN ZAIGHAM  
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: No representation

For the Respondent: Mr I Jarvis, Senior Home Office Presenting Officer

**DECISION AND REASONS**  
**EXTEMPORE JUDGMENT**

**Notice of the Extempore Decision**

1. Rule 40(3) of the Tribunal Procedure (Upper Tribunal) Rules 2008 (statutory instrument 2008/2698 as amended) applies to this decision.
2. This appeal concerned an EEA claim.

3. The parties were agreed that the judge fell into error for the reasons set out in the grant of permission to the point that the documents the FtTJ thought were absent, and which caused him to dismiss the appeal, were in fact available and the appeal should have been allowed.
4. By consent the appeal to the Upper Tribunal is allowed as follows:
  - (1) The First-tier Tribunal is infected by error of law and set aside;
  - (2) I remake the decision allowing the Appellant's appeal on EEA grounds.

No anonymity direction is made.

Signed

Date 07 August 2018

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Deputy Upper Tribunal Judge Davidge

**TO THE RESPONDENT**  
**FEE AWARD**

As I have allowed the appeal and because a fee has been paid or is payable, I have considered making a fee award and have decided to make no fee award for the following reason: none has been requested.