



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: EA/09155/2017

**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

MRS SELINA TUFFOUR  
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Mr M Ume-Ezeoke, Counsel

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

**EX TEMPORE JUDGMENT**

1. Notice Extempore Decision Rule 40(3) of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/2608 as amended) applies to this decision. This appeal concerns an EEA claim. It is agreed that the FTTJ made an error of law when concluding that the marriage was not valid because Ghanaian law only permits a proxy marriage between Ghanaian nationals. The FTTJ mistook the law as per the case of Cudjoe [2016] UKUT 00180 (IAC). The parties are agreed that I should set the decision aside and in light of the agreed error of law I do so.

2. In light of the fact-finding exercise required to deal with the outstanding issues, the issue of registration, relevant validity and of recognition, I have agreed to the parties' request that the appeal be remitted to the First-tier Tribunal to be heard by a judge other than Judge Telford.

**Notice of Decision**

By consent the appeal to the Upper Tribunal is allowed as follows:

- (1) The FT decision is infected by legal error and is hereby set aside.
- (2) The appeal is remitted to the First-tier Tribunal.

No anonymity direction is made.

Signed 

Date 07 August 2018

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 and the merits remain outstanding.