



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: EA/01854/2018

**THE IMMIGRATION ACTS**

Heard at Field House  
On 23<sup>rd</sup> January 2019

Decision & Reasons Promulgated  
On 1<sup>st</sup> February 2019

Before

UPPER TRIBUNAL JUDGE COKER

Between

URMILA PRAKASH SOLANKI

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Ms A Patyna, instructed by UK Immigration Services  
For the Respondent: Mr E Tufan, Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. First-tier Tribunal Judge Beg dismissed the appellant's appeal against a decision of the respondent to refuse her a residence card as a family member of an EU national exercising Treaty Rights, in a decision promulgated on 15<sup>th</sup> October 2018.
2. Permission to appeal was granted on the grounds, in brief, that the First-tier Tribunal judge although referring to the case of *Lim* [2013] EWCA Civ 1383, she had failed to address the evidence before her, failed to make adequate reasoned findings and had failed to apply the test laid down in *Lim*.
3. It is difficult to ascertain in this decision how the judge has considered the evidence in the context of the test she is required to apply. Her conclusion that although the appellant lives with the EU national and his wife, it was not

credible that she was solely financially dependent, upon them is unsupported by any or any adequate reasoning.

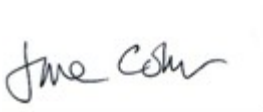
4. Although there were findings in relation to various family members it is unclear from the decision what relevance those findings were, given the lack of reasoning.
5. The First-tier Tribunal judge erred in law such that I set aside the decision to be remade.
6. The lack of adequate reasoning in this case necessitates a hearing de novo with no findings preserved. I remit the appeal to the First-tier Tribunal to be afresh.

Conclusions:

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

I set aside the decision and remit it to the First-tier Tribunal.

Date 23<sup>rd</sup> January 2019



Upper Tribunal Judge Coker