



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

Appeal Number: EA/04293/2017

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 10 January 2019**

**Decision & Reasons  
Promulgated  
On 31 January 2019**

**Before**

**UPPER TRIBUNAL JUDGE ALLEN  
UPPER TRIBUNAL JUDGE KAMARA**

**Between**

**MS EZEH OBIAGERI  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr S Karim

For the Respondent: Mr P Duffy, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. This is the appeal of Ms Obiageri against the decision of the First-tier Tribunal in a decision promulgated on 5 October 2018 in which her appeal against the refusal of a residence card was dismissed. That decision was challenged on the basis that the judge's conclusion that the marriage was one of convenience could not stand in light of inadequacy of reasoning.

2. We understand from Mr Duffy and from Mr Karim, who appeared on behalf of the appellant today, that it is common ground between them that the judge erred and we think that is entirely realistic. The determination is a very short one and a very large number of questions was asked of each of the parties, the appellant and her husband whose appeal was successful and in the circumstances we agree that the reasoning is inadequate.
3. Clearly the matter as a consequence will have to be dealt with entirely and in full and so the matter must be remitted back to the First-tier Tribunal for a hearing at Taylor House.

No anonymity direction is made.



Signed

Date 23 January 2019

Upper Tribunal Judge Allen