



**Upper Tribunal
(Immigration and Asylum Chamber)
EA/09348/2017**

Appeal Number:

THE IMMIGRATION ACTS

**Heard at Bradford
On 3 October 2018**

**Decision & Reasons Promulgated
On 14 January 2019**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**VALERICA RADU
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Donkersley, Sheffield Citizens Advice

For the Respondent: Mr Diwnycz, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a citizen of Romania. She appealed to the First-tier Tribunal (Judge Telford) against a decision of the Secretary of State dated 15 November 2016 refusing to issue her a Permanent Residence Card. The First-tier Tribunal dismissed her appeal and she now appeals, with permission, to the Upper Tribunal.
2. At the Upper Tribunal initial hearing in Bradford on 3 October 2018, both parties told me that they now agreed that the First-tier Tribunal had erred in law such that its decision fell to be set aside and, further, that the decision should be remade allowing the appeal. The Secretary of State now agrees that, for the reasons given in the grounds of appeal to the

Upper Tribunal, the appellant is entitled to receive a Permanent Residence Card.

Notice of Decision

3. The decision of the First-tier Tribunal promulgated on 22 February 2018 is set aside. I have remade the decision. The appeal against the Secretary of State's decision dated 15 November 2018 is allowed.

Signed

Date 10 December 2018

Upper Tribunal Judge Lane