



**Upper Tribunal
(Immigration and Asylum Chamber)
EA/04007/2015**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Field House

On 8 May 2018

**Decision & Reasons
Promulgated
On 11 May 2018**

Before

UPPER TRIBUNAL JUDGE PITT

Between

MARTINS NNAMEI IJENDU

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent


DECISION AND REASONS

1. The Upper Tribunal was due to re-make this appeal which concerns whether the appellant qualifies for a residence card showing him to have retained residence rights as the former spouse of an EEA national exercising Treaty rights.
2. The respondent indicates in a letter dated 8 May 2018 that, having reviewed the evidence, she intends to issue the appellant with a residence card.
3. The respondent also proposed in the letter of 8 May 2018 to withdraw her case before the Upper Tribunal by way of ending this matter. The case before the Upper Tribunal was brought by the appellant, however, not the respondent. The respondent has no “case” to withdraw.
4. The respondent’s position, really, is that she concedes that the appeal should be allowed as she accepts that the appellant is entitled to a

residence card. On that basis, the appeal is allowed under the Immigration (European Economic Area) Regulations 2006.

Notice of Decision

The appeal is allowed under the Immigration (European Economic Area) Regulations 2006.

Signed: 
May 2018
Upper Tribunal Judge Pitt

Date: 8