



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

Appeal Number: IA/04761/2013

THE IMMIGRATION ACTS

**Field House
3 July 2014**

**Determination
Promulgated
On 8th July 2014**

**Before
UPPER TRIBUNAL JUDGE JORDAN**

Between

The Secretary Of State For The Home Department

Appellant

and

Mrs T. Nefjodova

Respondent

**Notice of intention to determine the appeal without a hearing and
proposed
DETERMINATION AND REASONS**

1. As this is not a s.82 appeal but an appeal under the Immigration (European Economic Area) Regulations 2006 (2006 No 1003), the abandonment provisions in s.104 of the 2002 Act are not available.
2. I propose to determine the appeal without a hearing in accordance with Rule 34 of the Tribunal Procedure (Upper Tribunal) Rules 2008.
3. Mrs Nefjodova (whom I shall refer to as 'the appellant') was refused a permanent residence card evidencing her right of permanent residence under the 2006 Regulations. She appealed. Her appeal was successful. The Secretary of State was granted permission to appeal to the Upper Tribunal, thereby challenging the appellant's entitlement to a permanent residence card.

4. The Secretary of State has now granted the appellant a permanent residence card which, by implication, evidences that the respondent is no longer maintaining her challenge to the First-tier Tribunal Judge's determination.
5. I therefore propose to dismiss the respondent's appeal against the decision of the First-tier Tribunal Judge with the effect that the determination of the First-tier Tribunal shall stand.
6. The respondent is to notify the Tribunal within 14 days of today if she seeks to challenge the Upper Tribunal's disposal of the appeal as set out above.
7. Absent such notification, the respondent's and the decision will be in the following terms:

"For the reasons, given in the notification of 3 July 2014:

DECISION

1. The Secretary of State's appeal against the determination of the First-tier Tribunal is dismissed.
2. The First-tier Tribunal Judge made no error on a point of law and the original determination of the appeal shall stand."

**ANDREW JORDAN
JUDGE OF THE UPPER TRIBUNAL**