



IAC-FH-AR-V1

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

Appeal Number: IA/02524/2015

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 9<sup>th</sup> December 2015**

**Decision & Reasons Promulgated  
On 7<sup>th</sup> January 2016**

**Before**

**THE HONOURABLE LORD BOYD  
UPPER TRIBUNAL JUDGE FRANCES**

**Between**

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

Appellant

**and**

**PRAVEEN KUMAR RAMACHANDRASWAMY  
(ANONYMITY DIRECTION NOT MADE)**

Respondent

**Representation:**

For the Appellant: Mr S Walker, Home Office Presenting Officer

For the Respondent: Miss M Hannan, Corban Solicitors

**DECISION AND REASONS**

1. This is the Secretary of State's appeal but we shall refer to the parties as in the First-tier Tribunal. The Appellant's appeal against the refusal of a residence card was allowed by First-tier Tribunal Judge Colyer on the basis that the Appellant was entitled to a permanent residence card under Regulation 15 of the EEA Regulations.

2. It was agreed by the parties that the judge had erred in law because the Appellant had not been residing in the United Kingdom for a continuous period of five years.
3. We therefore set aside paragraph 37 of the decision. There was no error in relation to the judge's findings under Regulations 6 and 7 and those were not challenged by the Respondent in this appeal.
4. We accordingly remake the decision. The Appellant has a right of residence under Regulation 14(2) of the EEA Regulations 2006 and therefore the appeal is allowed under the EEA Regulations 2006.

**Notice of Decision**

The Secretary of State's appeal is allowed.

The Appellant's appeal is allowed under the EEA Regulations 2006.

No anonymity direction is made.

Signed

Date

Upper Tribunal Judge Frances