



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

Appeal number: IA/42240/2014

THE IMMIGRATION ACTS

Heard at Birmingham

**Determination & Reason
Promulgated**

On January 12, 2016

On January 14, 2016

Before

DEPUTY UPPER TRIBUNAL JUDGE ALIS

Between

**MS KUBURA YUSSIF
(NO ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

Appellant

Miss Chinwuba (Legal Representative)

Respondent

Ms Johnstone (Home Office Presenting Officer)

DECISION AND REASONS

1. The appellant, citizen of Ghana, and she applied for a residence card on March 25, 2014 as the spouse of an EEA family member. The respondent refused this on September 29, 2014 and the appellant appealed this decision on October 17, 2014 under Regulation 26 of the Immigration (European Economic Area) Regulations 2006 and Section 82(1) of the Nationality, Immigration and Asylum Act 2002.

2. The appeal came before Judge of the First-tier Tribunal Williams on January 12, 2015 and he dismissed the appeal under the Immigration Rules in a decision promulgated on January 27, 2015.
3. The appellant sought permission to appeal that decision on February 3, 2015. Permission to appeal was granted on a limited basis by Designated Judge of the First-tier Tribunal Zucker on March 11, 2015 on the basis the Judge had not considered the issue of whether the appellant and sponsor were in a durable relationship.
4. The matter came before me on the above date and on that date I heard submissions from both Miss Chinwuba and Ms Johnstone.
5. The First-tier Tribunal did not make an anonymity direction and pursuant to Rule 14 of The Tribunal Procedure (Upper Tribunal) Rules 2008 I make no order now.

ERROR IN LAW

6. Miss Chinwuba accepted that the issue of a durable relationship was a red herring in this appeal because the sponsor was not an EEA national but was in fact a Ghanaian national like herself. The EEA national was in fact her brother-in-law.
7. I indicated to Miss Chinwuba that this was the only area where permission had been granted and on the face of it the granting of permission seemed to be an because “durable relationship” was not a relevant factor in this appeal bearing in mind the Judge had accepted the appellant and her husband were lawfully married. The issue was dependency and the judge rejected her claim to have been dependent and permission to challenge this had been refused. Miss Chinwuba did not disagree with me on the “durable relationship” point and she accepted that permission to appeal was only on that point. Other points raised by her were not relevant to the permission to appeal.
8. In the circumstances I find there was no error of law and I dismiss the appeal.

DECISION

9. There was no material error and I uphold the original decision.

Signed:

Dated:



Deputy Upper Tribunal Judge Alis

FEE AWARD

I make no fee award as I have dismissed the appeal.

Signed:

Dated:

A handwritten signature in black ink, appearing to read "SPAL" with a flourish underneath.

Deputy Upper Tribunal Judge Alis