



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

Appeal no: **EA/08791/2016**

THE IMMIGRATION ACTS

At **Field House**
On 21 January 2019

Decision & Reasons
promulgated:
On 07 February 2019

Before:

Upper Tribunal Judge
John FREEMAN

Between:

Angelica YAA KUMAH

appellant

and

Secretary of State for the Home Department

respondent

Representation:

For the appellant: *Sonia Ferguson* (counsel instructed by Shan & Co)

For the respondent: Miss Alexandra Everett

DETERMINATION AND REASONS

This is an appeal, by the appellant, against the decision of the First-tier Tribunal (Judge Sarvanjan Kaler), sitting at Hendon on 24 September 2018, to dismiss an EEA appeal by a citizen of Ghana, born 1957. The appellant had been refused a residence card as the wife of a Netherlands citizen.

2. The respondent, and the judge accepted that the sponsor was a 'qualified person' by the date of the hearing, having been in regular work since March 2018; but the judge took the view that he had not shown this at the date of the application or the decision, and on that basis dismissed the appeal.
3. As Miss Everett quite rightly conceded, the law is set out in *Reyes* (EEA Regs: dependency) [2013] UKUT 314, and allows the appellant to succeed

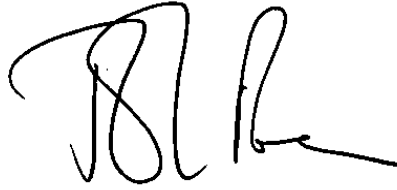
NOTE: (1) *no anonymity direction made at first instance will continue, unless extended by me.*

(2) *persons under 18 are referred to by initials, and must not be further identified.*

on appeal by establishing the position at the date of the hearing on the basis of evidence produced to the tribunal.

4. In those circumstances the appeal is allowed by consent.

Appeal allowed

A handwritten signature in black ink, consisting of stylized, overlapping letters that appear to be 'JBL' followed by a horizontal line.

(a judge of the Upper

Tribunal)

Date: 21 January 2019