



**Upper Tribunal  
(Immigration and Asylum Chamber)**  
EA/07161/2018

Appeal Number:

**THE IMMIGRATION ACTS**

**Heard on Papers, Field House  
On 17 January 2020**

**Decision & Reasons  
Promulgated  
On 20 January 2020**

Before

**UPPER TRIBUNAL JUDGE BLUM**

Between

**MUHAMMAD ARSHAD**

Appellant

and

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**DECISION**

1. The appellant was granted permission to appeal to the Upper Tribunal against a decision of First-tier Tribunal Judge Moxon who, in a determination promulgated on 8 July 2019, dismissed his appeal brought against the respondent's decision to refuse to issue him EEA residence card under the Immigration (European Economic Area) Regulations 2016. In a decision promulgated on 21 November 2019 Upper Tribunal Judge Hanson determined that the First-tier Tribunal's decision contained an error on a point of law such that it had to be set aside. A resumed hearing was listed before Judge Hanson on 22 January 2020.
2. A jointly signed consent order was received by the Upper Tribunal on 16 January 2020. In the consent order the parties agreed to the disposal of the appeal pursuant to rule 39(1) of

the Tribunal Procedure (Upper Tribunal) Rules 2008 in accordance with the terms of the consent order. The respondent, having reviewed further material provided by the appellant, no longer disputed the relationship between the appellant and his partner and accepted that the relationship was durable. As such, and given that this was the sole outstanding issue in the appeal, it was agreed that the Upper Tribunal remakes the decision allowing the appellant's appeal on the basis that he is entitled to recognition of his right of residence as an extended family member as defined by reg 8(5) of the 2016 Regulations.

3. Pursuant to rule 39 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the Upper Tribunal makes a consent order disposing of these proceedings and allows the appeal.
4. The resumed hearing listed for 22 January 2020 is vacated.

**D.Blum**

17 January 2020

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Upper Tribunal Judge

Date: