



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

Appeal Number: EA/00140/2020

**THE IMMIGRATION ACTS**

**On the papers  
On 23 February 2021**

**Decision & Reasons Promulgated  
On 04 March 2021**

**Before**

**UPPER TRIBUNAL JUDGE HANSON**

**Between**

**VJOLLCA KASKO**

(Anonymity direction not made)

Appellant

**and**

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

Respondent

**DECISION AND REASONS**

- 1.** On 26 November 2020 the Upper Tribunal set aside a decision of the First-tier Tribunal and gave directions in relation to the future conduct of this appeal, one of which was for the Secretary of State to confirm whether in light of the preserved findings and the current interpretation of Regulation 7(4) of the Immigration (European Economic Area) Regulations 2016 it was accepted the appeal should be allowed without a further hearing.
- 2.** The Tribunal is grateful to Mr Melvin of the Specialist Appeals Team who, in written submissions dated 10 December 2020, confirmed the Secretary of States representative has considered the findings made by the First-tier Tribunal and preserved by the Upper Tribunal and has reached the conclusion that this appeal falls to be allowed on those

findings under Regulation 7 as the appellant is the mother (ascending line) of the spouse of an EEA national exercising treaty rights and that the respondent respectfully accepts that the appeal should be allowed without a further hearing.

3. I find it in the interests of justice and in accordance with the overriding objectives for the merits of the appeal to be determined without a further hearing on the papers and without inviting further submissions from the appellant's representatives, as none are required or will make a material difference to the outcome.

**Decision**

4. **I allow the appeal.**

Anonymity.

5. The First-tier Tribunal made no order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

I make no such order pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008.

Signed.....  
Upper Tribunal Judge Hanson

Dated 23 February 2021