



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

Appeal Number: EA/05515/2019

THE IMMIGRATION ACTS

**Decided on the papers at Field
House
On 23rd December 2021**

**Decision and Reasons
Promulgated
On 30th December 2021**

Before

UPPER TRIBUNAL JUDGE RIMINGTON

Between

**Pablo Cesar Martinez Aguilera
(Anonymity Direction Not Made)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

1. The Secretary of State's legal representative filed the following consent order on 23rd December 2021 at 1232 hours:-

'Pursuant to rule 39(1) of The Tribunal Procedure (Upper Tribunal) Rules 2008 the parties consent to the disposal of the above appeal on the following agreed basis:

- (i) That in the light of the principle identified at head note (4) and paragraph 27-33 in the reported and unchallenged Upper Tribunal decision in **Geci (EEA Regs: transitional provisions; appeal rights)** [2021] UKUT 285 (IAC), the Secretary of State can no longer maintain the decision

- (ii) That the appeal is therefore summarily allowed and the listing vacated
- (iii) That the appellant have 21 days from the sealing of this order to submit any further representations to the Secretary of State
- (iv) That thereafter the matter will be returned to the Secretary of State for expeditious consideration of enforcement action or of the issuing of appropriate residence documentation’.
2. On 23rd December 2021 at 1411 hours the appellant’s representatives confirmed that they agreed with the contents of the consent order and that the appeal should be allowed on that basis.
3. The appeal is therefore allowed, the proceedings before the Upper Tribunal are at an end and the **hearing date of 5th January 2022 is vacated.**

Notice of Decision

4. The appeal of Mr Aguilera is therefore allowed.

Signed Helen Rimington

Date 23rd December 2021

Upper Tribunal Judge Rimington