



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: IA/26323/2013

THE IMMIGRATION ACTS

Heard at Field House
On 13 March 2014

Determination Promulgated
On 25 March 2014

Before

UPPER TRIBUNAL JUDGE DAWSON
UPPER TRIBUNAL JUDGE COKER

Between

ALMA GJONI

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: In person without representation
For the Respondent: Mr P Deller, Senior Home Office Presenting Officer

DETERMINATION BY CONSENT

Pursuant to Rule 39 of the Tribunal Procedure (Upper Tribunal) Rules 2008 and by the consent of the parties the following order is made:

Upon the parties being agreed that the determination in the First-tier Tribunal promulgated on 20 January 2014 discloses a material error of law and that it should be set aside.

And upon the parties agreeing that the evidence establishes that the sponsor Mr Kostandin Gjoni is a person exercising a treaty right in accordance with Directive 2004/EC/38.

And upon the parties agreeing the appellant is a family member within the meaning of Article 2(2) of the Directive 2004/EC/38

It is ordered that:

1. The appeal be allowed.
2. The appellant is entitled to be issued with a residence permit.
3. That there be a partial award to the appellant within 28 days in the amount of £70 being half the fee.

The appeal in the Upper Tribunal is therefore allowed. The decision of the First-tier Tribunal is set aside for legal error. The appeal against the decision giving rise to the appeal in the First-tier Tribunal is allowed.

Signed

Date 20 March 2014



Upper Tribunal Judge Dawson