



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

Appeal Number: IA/24468/2014

THE IMMIGRATION ACTS

**Heard at Field House
On 21 January 2016**

**Decision & Reasons Promulgated
On 26 January 2016**

Before

UPPER TRIBUNAL JUDGE PITT

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

AISHA NAZIR

Respondent

Representation:

For the Appellant: Ms Sreeraman, Senior Home Office Presenting Officer

For the Respondent: Mr Chohan, instructed by Immigration Chambers

DECISION AND REASONS

1. This is an appeal against the decision of First-tier Tribunal Judge McMahon. The decision was promulgated on 24 July 2015. It allowed the Respondent's appeal finding that she was an extended family member of an EEA citizen and entitled to a residence card declaring that to be so.
2. For the purposes of this decision I refer to the Secretary of State for the Home Department as the respondent and to Ms Nazir as the appellant, reflecting their positions before the First-tier Tribunal.

3. The parties were in agreement that the only issue before me was whether the appellant's brother-in-law was a Spanish national at the time that she was dependent on him and a member of his household prior to coming to the UK and when she was his dependent in the UK from 2011 onwards.
4. At the hearing I was provided with a certified copy of the brother-in-law's Spanish passport showing that it was issued to him on 4 February 2008, that is, before the appellant came to the UK.
5. Ms Sreeraman indicated that the certified copy of the passport showed the appellant's brother-in-law to be an EEA national at the material times and that the respondent's challenge could not succeed where that was so.

Notice of Decision

6. The decision of the First-tier Tribunal does not disclose an error on a point of law and shall stand.

Signed 
Upper Tribunal Judge Pitt

Date 25 January 2016