



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: EA/03543/2015

**THE IMMIGRATION ACTS**

Heard at Birmingham  
On 9 June 2017

Decision & Reasons Promulgated  
On 16 June 2017

Before

**UPPER TRIBUNAL JUDGE HEMINGWAY**

Between

**MS NNEKA MAUREEN OKECHI**  
(ANONYMITY ORDER NOT MADE)

Appellant

and

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

Respondent

**Representation:**

For the Appellant: No appearance  
For the Respondent: Ms H Aboni (Senior Home Office Presenting Officer)

**DECISION AND REASONS**

1. This is the appellant's appeal to the Upper Tribunal from a decision of the First-tier Tribunal promulgated on 17 October 2016, dismissing her appeal against the respondent's decision of 30 November 2015 to refuse her a Derivative Residence Card on the basis that she is the primary carer of a British national child.
2. The First-tier Tribunal had dismissed the appeal but permission to appeal had been granted because it was thought the First-tier Tribunal might have misconstrued certain information given by the appellant when she had made her application for the Residence Card.
3. It is clear that the appellant has previously been assisted by an organisation called Lifeline Options Community Interest Company. However, despite that she did not attend the hearing before me in order to further pursue her appeal to the Upper Tribunal. Mrs Aboni was helpfully able to

explain that, in fact, she had been granted leave to remain in the UK on an entirely different basis. That may well explain her decision not to attend.

4. In any event, it did not seem to me that the First-tier Tribunal had misconstrued the information at all in the manner which had been suggested in the grounds of appeal to the Upper Tribunal. In the circumstances, and given the appellant's failure to further pursue her appeal, it is dismissed. However, that will not affect the validity of the leave which she has, according to Ms Aboni, already been granted on a different basis.

5. For the purposes of this appeal, though, I conclude that the First-tier Tribunal did not err in law and that its decision shall stand.

6. I have made no anonymity order because none was made by the First-tier Tribunal, none has been sought before the Upper Tribunal and there does not appear to be any reason to make such an order.

### **Decision**

The First-tier Tribunal did not err in law and its decision shall stand.

### **Anonymity**

No anonymity order is made.

Signed:  
Upper Tribunal Judge Hemingway

Date: 15 June 2017

### **TO THE RESPONDENT FEE AWARD**

I make no fee award.

Signed:  
Upper Tribunal Judge Hemmingway

Date: 15 June 2017