



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

Appeal Number: EA/01263/2018

THE IMMIGRATION ACTS

**Heard at Royal Courts of Justice, Decision & Reasons
London Promulgated
On 21 January 2019 On 11 February 2019**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**CHRISTELLE TEUBOU MAKOUDJOU
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: In person

For the Respondent: Mr Wilding, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant, Christelle Teubou Makoudjou, was born on 19 January 1988 and is a female citizen of Cameroon. She appealed to the First-tier Tribunal (Judge Greasley) against a decision of the Secretary of State to refuse her a permanent residence card as confirmation that she was the former family member of an EEA national (Regulation 15(1)(f)) of the Immigration (EEA) Regulations 2016. The First-tier Tribunal, in a decision promulgated on 26 September 2018, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.

2. The appellant attended in person at the Royal Courts of Justice. I explained carefully to the appellant that she should inform me if either I or Mr Wilding said anything which she did not understand. I made every effort to explain the nature of the proceedings and the issues to the appellant who appeared to understand.
3. Divorce proceedings were initiated in January 2017. It is necessary for the appellant if she is to qualify for a residence card to discharge the burden of proving that her ex-husband had exercised Treaty Rights for the period of 5 years prior to the initiation of the divorce proceedings. At [10], Judge Greasley wrote:

“However, I find the appeal must be dismissed on the basis the appellant has been unable to provide credible and reliable evidence demonstrating that her former husband was exercising Treaty Rights for a continuous 5 year period going back to 2013. The appellant asked me to accept that the appellant’s husband was a student between 2012–2013 but there is no supporting documentation provided from any source in relation to this pivotal issue.”
4. I agree with Mr Wilding, who appeared for the Secretary of State, that Judge Greasley has correctly identified the difficulty in the appellant’s application which she has failed to overcome. There was evidence of the exercise of Treaty Rights by the ex-husband for the period 2015 onwards but not before that date. The appellant told me that she had married her former husband in 2012 when he was a student. The marriage had been difficult and she had been the victim of abuse. She explained that she was unable to provide evidence relating to her former husband because they were “not together anymore”. She said that she had called him many times but he had refused to help.
5. I have much sympathy for the appellant but I am unable to identify any error of law in the judge’s decision. The appellant acknowledges that there was “no supporting documentation” relating to the exercise of Treaty Rights by the former husband in the period 2012–2013. Faced with that lack of evidence, Judge Greasley had no option but to dismiss the appeal. In granting permission, Deputy Judge Doyle referred to the cases of *Baigazieva* [2018] EWCA Civ 1088 and *Gauswami* [2018] UKUT 275. Neither I nor Mr Wilding were able to discover the relevance of those decisions to the issues in the instant appeal.
6. For the reasons I have stated, the appeal is dismissed.

Notice of Decision

7. This appeal is dismissed.
8. No anonymity direction is made.

Signed

Date 4 February 2019

Upper Tribunal Judge Lane

TO THE RESPONDENT
FEE AWARD

I have dismissed the appeal and therefore there can be no fee award.

Signed

Date 4 February 2019

Upper Tribunal Judge Lane