



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

Appeal Number: IA/32061/2014

THE IMMIGRATION ACTS

**Determined at Field House
On 8 February 2019**

**Decision & Reasons
Promulgated
On 12 February 2019**

Before

UPPER TRIBUNAL JUDGE RINTOUL

Between

AMEL [N]

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

CONSENT ORDER PURSUANT TO RULE 39

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.

1. That with the Tribunal's consent under rules 17 (2) the Respondent (the Secretary of State) withdraws his case that the First-tier Tribunal had not erred in law. It is accepted, following Banger [2018] EUECJ C-89/17 that the appellant was properly entitled to an extensive examination on application.
2. Accordingly, the parties agreed that the First-tier Tribunal decision should be set aside and the appeal summarily allowed.

3. The Respondent is to issue the appellant with a residence card.
4. Accordingly, with my consent, and pursuant to rule 39 (1) the proceedings are disposed of and the appellant's appeal is to be recorded as allowed.

Signed:

Dated: 8 February 2019

A handwritten signature in black ink, appearing to read 'Jeremy Rintoul', written in a cursive style.

Upper Tribunal Judge Rintoul