



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

Appeal Number: EA/03129/2017

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 9 August 2019**

**Decision & Reasons Promulgated  
On 21 August 2019**

**Before**

**UPPER TRIBUNAL JUDGE ALLEN**

**Between**

**ADERONKE SOGBETUN  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr T Okunowo, TolTops Solicitors

For the Respondent: Mr T Lindsey, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant is a national of Nigeria. She appealed to the First-tier Tribunal against the decision of the Secretary of State on 6 March 2017 refusing to issue her with a residence card under Regulation 7(1) and Regulation 8(5) of the Immigration (European Economic Area) Regulations 2016.
2. Her appeal was dismissed by a First-tier Judge who found that the marriage which she had entered into by proxy in Nigeria was not properly registered and therefore was not valid.

3. After a hearing on 8 February 2019 I found that the judge had erred in law and directed that there be a further hearing which took place on 25 June 2019.
4. After that hearing I concluded that the marriage had properly to be recognised as a valid marriage within Nigerian law.
5. There was a remaining issue which was the finding of the First-tier Judge at paragraph 41 of her decision that the appellant had entered into a marriage of convenience. I directed that there be a further hearing to address this issue.

**Notice of Decision**

6. In effect the representatives were in agreement. The matter had not been raised in the refusal letter, and the judge appeared to have made findings on the point without the issue having been a live matter before her. In the circumstances I concluded that it had not been shown that the marriage was one of convenience and therefore the appeal falls to be allowed on all grounds.
7. No anonymity direction is made.



Signed

Date 13 August 2019

Upper Tribunal Judge Allen