



UPPER TRIBUNAL  
(IMMIGRATION AND ASYLUM CHAMBER)

APPEAL NUMBER: IA/27695/2015

THE IMMIGRATION ACTS

Heard at: Field House  
On: 3 May 2017

Decision and Reasons Promulgated  
On: 17 May 2017

Before

Deputy Upper Tribunal Judge Mailer

Between

MR RITIJ BAWA  
NO ANONYMITY DIRECTION MADE

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation

For the Appellant: Mr S Bellara, counsel (instructed by Waterfords Solicitors)  
For the Respondent: Mr P Singh, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant appealed with permission against the decision of the First-tier Tribunal promulgated on 16 June 2016, dismissing his claim for permanent residence pursuant to the Immigration (EEA) Regulations 2006.
2. At the hearing before the Upper Tribunal on 22 February 2017 the representatives agreed that the decision contained a procedural error of law, namely, that in the circumstances disclosed, the Judge ought to have acceded to the respondent's request for an adjournment to consider the payslips that had been produced. Moreover, the

Judge had also erred when raising matters concerning the sponsor's past employment which had never been disputed by the respondent.

3. At the hearing on 22 February 2017, Mr Bellara produced to Mr Singh the original payslips, a letter as well as HMRC documents.
4. The decision of the First-tier Tribunal was accordingly set aside. The appellant was given permission to file any further evidence relating to his former spouse's employment.

#### **The resumed hearing on 3 May 2017**

5. At the commencement of the hearing, Mr Singh informed me that he had received a witness statement dated 28 March 2017 from an officer of HM Revenue and Customs, Mr Robert Evans, following requests for information received from law enforcement agencies.
6. Mr Evans stated that he is authorised to make a disclosure under s.40 of the UK Borders Act 2007 in respect of HMRC computer records specified in the request.
7. The information that he provided related to [MM], the appellant's former spouse, born on 12 June 1984. Her National Insurance number and residential address had been given.
8. The officer confirmed that for the tax year 2013-14 she earned £15996.99 (gross) from employment; for the tax year 2014-15, she received £16462.50 and that for 2015-16, she earned £17,004. The information disclosed the identity of her employer, [BM] & [JB].
9. Mr Singh accepted that in the light of the evidence now produced, it has been shown that the appellant's former spouse had been working for the entire period between 2011 and 2015. In the circumstances I find that the appellant satisfied the relevant requirements under the 2006 Regulations.

#### **Notice of Decision**

Having set aside the decision of the First-tier Tribunal, I re-make it and substitute a decision allowing the appellant's appeal under the 2006 Regulations.

No anonymity direction is made.

Signed

Dated: 16 May 2017

Deputy Upper Tribunal Judge C R Mailer

