



IAC-AH-LEM/DP-V1

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

Appeal Numbers: IA/29186/2014
IA/29193/2014
IA/29199/2014
IA/48067/2014

THE IMMIGRATION ACTS

**Heard at Field House
On 17th July 2015**

**Decision & Reasons Promulgated
On 6th August 2015**

Before

DEPUTY UPPER TRIBUNAL JUDGE M A HALL

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**KIRIKANKANANGE LALINDRA NAOMAL DE SILVA
ARSI CHANDHIMA DE SILVA
KIRIKANKANANGE DHANUL YANAKA DE SILVA
KIRIKANKANANGE ISHARI AYODHYA DE SILVA
(ANONYMITY ORDER NOT MADE)**

Respondents

Representation:

For the Appellant: Mr D Clarke, Senior Home Office Presenting Officer

For the Respondents: Mr G Davison of Counsel, instructed by Lawland Solicitors

DECISION AND REASONS

Introduction and Background

1. The Secretary of State appealed against a decision of Judge of the First-tier Tribunal Fowell (the judge) promulgated on 11th February 2015.
2. The Respondents before the Upper Tribunal were the Appellants before the First-tier Tribunal and I will refer to them as the Claimants.
3. The Claimants are citizens of Sri Lanka born 24th January 1964, 2nd January 1964, 30th January 1999, and 12th March 1989 respectively. The first and second Claimants are married and are the parents of the third and fourth Claimants, who are brother and sister respectively.
4. The Claimants contend that they arrived in the United Kingdom lawfully on 17th May 2002 with leave to remain until 17th November 2002.
5. On 27th March 2003 the Claimants applied for further leave to remain in the United Kingdom which application was refused on 1st August 2003. The decision was reconsidered and maintained on 30th January 2004, and again on 5th April 2005 following further reconsideration.
6. On 10th July 2009 the Claimants made a further application for leave to remain in the United Kingdom, which was refused on 12th March 2010.
7. On 27th September 2012 the Claimants made another application for leave to remain in the United Kingdom which was refused on 1st October 2013. Judicial review proceedings were commenced as it was contended that the Claimants did not have a right of appeal. The Secretary of State agreed by way of a consent order dated 26th February 2014 to reconsider the applications made by the Claimants, and if the applications were refused, the Claimants would be granted an in-country right of appeal.
8. The applications were reconsidered which resulted in a reasons for refusal letter dated 7th July 2014, which related to the first, second and third Claimants. The fourth Claimant was issued with a reasons for refusal letter dated 10th November 2014.
9. The Secretary of State made decisions to remove the first, second and third Claimants on 17th July 2014, and a removal decision was made in relation to the fourth Claimant on 10th November 2014.
10. In summary the reasons for refusal letter dated 7th July 2014 contended that none of the Claimants could succeed with reference to Appendix FM of the Immigration Rules in relation to family life.
11. It was not accepted that the Claimants could satisfy any of the provisions of paragraph 276ADE in relation to private life, nor was it accepted that any exceptional circumstances existed which merited a grant of leave to remain outside the Immigration Rules pursuant to Article 8 of the 1950 European Convention on Human Rights (the 1950 Convention).

12. The refusal letter of 10th November 2014 considered the fourth Claimant's private life pursuant to paragraph 276ADE, the Respondent not accepting that the fourth Claimant could benefit from any of the provisions of that paragraph. It was not accepted that the fourth Claimant was entitled to remain in the United Kingdom by reason of Article 8 of the 1950 Convention, outside the Immigration Rules.
13. The Claimants appealed and the appeals were heard together by the judge on 9th February 2015. The judge found that the third Claimant's appeal succeeded under paragraph 276ADE(1)(iv) on the basis that he was under the age of 18 years and as at the date of application had lived continuously in the UK for at least seven years.
14. In relation to the first and second Claimants the judge allowed their appeals with reference to section EX.1(a) of Appendix FM finding that they had a genuine and subsisting parental relationship with a child, that being the third Claimant, who had lived in the United Kingdom continuously for seven years, and it would not be reasonable to expect the child to leave the United Kingdom.
15. In relation to the fourth Claimant the judge allowed her appeal under paragraph 276ADE(1)(vi) finding that she was aged 18 years or above, had lived continuously in the United Kingdom for less than twenty years, but had no ties to Sri Lanka. In the fourth Claimant's case, the judge went on to consider, in the alternative, Article 8 outside the Immigration Rules and also allowed her appeal on that basis.
16. The Secretary of State applied for and was granted permission to appeal to the Upper Tribunal.
17. In relation to the first and second Claimants it was contended that the judge had erred in allowing the appeals under EX.1, because they could not meet the requirements of E-LTRPT.2.3 and 2.4 and therefore EX could not apply.
18. It was also submitted that the judge had erred in law by failing to take into account the public interest considerations in section 117B of the Nationality, Immigration and Asylum Act 2002 (the 2002 Act).
19. In relation to the fourth Claimant it was contended that the judge had failed to adequately explain why it was found that she had no ties to Sri Lanka. It was contended that the judge had given no consideration to the fact that the Claimants had remained unlawfully in the United Kingdom, thereby undermining the public interest in immigration control.
20. Permission to appeal was granted by Judge of the First-tier Tribunal M Davies. The appeal came before me on 22nd May 2015.
21. A preliminary issue was raised that although the application for permission to appeal had referred to the third Claimant's appeal number, the grounds

did not contain any challenge to the First-tier Tribunal findings in relation to the third Claimant, and it was therefore submitted that the grant of permission to appeal should not have referred to the appeal number or the name of the third Claimant. Mr Tarlow, who appeared for the Secretary of State, agreed.

22. After hearing submissions from both representatives, I agreed that the grounds contained within the application for permission to appeal disclosed no challenge to the conclusions reached by the First-tier Tribunal regarding the third Claimant, and I found that in the absence of any challenge, the decision of the First-tier Tribunal that the appeal of the third Claimant succeeds under paragraph 276ADE(1)(iv) must stand.
23. I found that the judge had erred in his consideration of the appeals of the first and second Claimants, by treating EX.1 as freestanding. The Upper Tribunal made it clear in Sabir [2014] UKUT 00063 (IAC) that this was not the case. EX.1(a) should not have been considered in relation to the first and second Claimants, because they could not satisfy the requirements set out in E-LTRPT.2.3 and 2.4.
24. The judge having allowed the appeals of the first and second Claimants under EX.1(a) did not go on to consider in relation to the first and second Claimants, paragraph 276ADE or Article 8 outside the Immigration Rules. I found that the decision made by the First-tier Tribunal in relation to the first and second Claimants must be set aside and re-made.
25. In relation to the fourth Claimant, the judge considered paragraph 276ADE(1)(vi) on the basis of the Claimant having to establish that she had no ties to Sri Lanka, although this version of the paragraph was amended on 28th July 2014, and replaced with a different test, under which an individual must prove that there would be very significant obstacles to integration back into the country he or she would have to go if required to leave the UK. I found that the judge had erred in considering the “no ties” by not giving adequate reasons as to why it was found that the fourth Claimant had no ties to Sri Lanka. I also found that the consideration of Article 8 outside the Immigration Rules, which was only applied to the fourth Claimant, was legally flawed, because the judge had not demonstrated that the considerations set out in section 117B of the 2002 Act had been taken into account.
26. I therefore concluded that the decision of the First-tier Tribunal in relation to the first, second and fourth Claimants must be set aside. The hearing was adjourned for further evidence to be heard so that the decision could be re-made by the Upper Tribunal.

Re-making the Decision

Preliminary Issues

27. I ascertained that I had received all documentation upon which the parties intended to rely, and that each party had served the other with any documentation upon which reliance was to be placed. I had the Secretary of State's bundle which related to the first – third Claimants, and a separate bundle that related to the fourth Claimant. I had a bundle submitted on behalf of the Claimants comprising 152 pages.
28. Although I had found that the First-tier Tribunal decision in relation to the third Claimant had not been challenged and must stand, the third Claimant was still listed as a party to the appeal. With the agreement of both representatives I indicated that I would include the third Claimant in my decision and reasons, and would make it clear that the decision of the First-tier Tribunal in his case had not been challenged and would stand.
29. Mr Clarke submitted that the appropriate test to be considered in relation to paragraph 276ADE(1) was whether there would be very significant obstacles to the Claimants' integration into Sri Lanka, rather than the 'no ties' test which had been replaced on 28th July 2014, and referred to paragraph 39 of YM (Uganda) [2014] EWCA Civ 1292 in support of this submission. Mr Davison agreed.
30. I asked for clarification of the issues. Mr Davison confirmed that no reliance was placed upon Appendix FM by the Claimants. Reliance was placed upon paragraph 276ADE(1)(vi) and Article 8 outside the Immigration Rules in relation to both family and private life.
31. Both representatives indicated that they were ready to proceed and there was no application for an adjournment.

Oral Evidence

32. I heard evidence from the first Claimant who adopted his witness statement dated 4th February 2015, the second Claimant who adopted her witness statement of the same date, and the fourth Claimant who adopted her witness statement also of the same date. I also heard evidence from Kirikankanage Dhanul Yanaka De Silva (Dhanul) who adopted the contents of his letter of 4th February 2015. All gave their evidence in English.
33. The witnesses were all cross-examined. I have recorded all questions and answers in my Record of Proceedings and it is not necessary to repeat them in full here. The evidence may be summarised as follows.
34. The first and second Claimants confirmed that they are married and that they arrived in the United Kingdom lawfully with their son and daughter on

17th May 2002. They confirmed that they had made applications for leave to remain which had been refused.

35. Both indicated that they have adapted to the culture of the United Kingdom, and have a number of British friends. They do not wish to return to Sri Lanka. They have never had recourse to public funds during their stay in this country and have no criminal convictions.
36. They have established their family and private lives here and do not have ties to Sri Lanka.
37. The only relative that they have in Sri Lanka is the first Claimant's elderly mother. The first Claimant has worked in the catering industry in the United Kingdom, and also as a carer, and the second Claimant has undertaken some voluntary work. Both the first and second Claimants felt that they would be unable to find employment in Sri Lanka and that their son's education would suffer if he had to return. The first Claimant's mother has a small home, but this would not be enough to accommodate the Claimants as a family. There was a conflict in the evidence as the first Claimant stated that his mother was looked after by a relative, whereas the second Claimant indicated that she was looked after by a maid who was not related to her.
38. The fourth Claimant gave evidence after her parents. She confirmed that she was 13 years of age when she arrived in the United Kingdom. She regards herself as British without any ties to Sri Lanka. She regards English as her first language. She cannot speak fluent Sinhalese. She was educated to A level. She has subsequently undertaken courses and is a trained wedding planner and masseur. She plans to establish her own businesses in these fields. The fourth Claimant is in a relationship with her partner and they have been together for approximately three years. They have talked of marriage but the fourth Claimant indicated that she wished to wait until her immigration status was regularised.
39. The fourth Claimant stated that she could not imagine living in Sri Lanka.
40. I then heard evidence from Dhanul. He confirmed that he moved to the United Kingdom in 2002 when he was 3 years of age. He has been educated in this country and has just completed his GCSEs and is looking to progress to study A levels. He wants to study Sports Medicine. He is fully integrated into the British way of life. English is his first language. He cannot read or write Sinhalese. He has not visited Sri Lanka or any other country since he moved to the United Kingdom. He regards this country as his home.

The Secretary of State's Submissions

41. Mr Clarke submitted that none of the three Claimants could meet the high threshold set by paragraph 276ADE(1)(vi).

42. It was accepted that Article 8 outside the Immigration Rules should be considered, as it was accepted that Dhanul would be granted leave to remain in the United Kingdom because his appeal had succeeded and had not been challenged.
43. I was asked to note that the first and second Claimants were highly resourceful individuals who came to the United Kingdom with nothing but found employment, and worked illegally. It was submitted that it would be easier for them to integrate back into Sri Lanka, than it was for them to integrate into this country.
44. In the past both have worked and they have skills which they could use in Sri Lanka. I was asked to find that they could obtain accommodation with the first Claimant's mother, and the circumstances of this case did not show that there were very significant obstacles to their integration back into Sri Lanka.
45. The fourth Claimant was described as being very well educated and focused on what she wishes to do with her career. Mr Clarke submitted that she could pursue those interests in Sri Lanka.
46. When considering Article 8, Mr Clarke submitted that section 117B considerations must be taken into account. In relation to section 117B(6) it was accepted that Dhanul is a qualifying child. Mr Clarke submitted that it was not determinative that he was likely to be granted indefinite leave to remain. I was referred to paragraph 58 of EV (Philippines) [2014] EWCA Civ 874. Mr Clarke pointed out that neither the first nor second Claimants had a right to remain in this country, and submitted that it was reasonable for Dhanul to return with them to Sri Lanka, even though he was entitled to be granted leave to remain in this country. There would be education available for him in Sri Lanka, which is described as a primarily English speaking country. I was asked to dismiss the appeals of the three Claimants.

The Claimants' Submissions

47. Mr Davison submitted that the fact that the son of the family is going to remain in the United Kingdom, amounts to a very significant obstacle to reintegration of the Claimants into Sri Lanka, which means that the appeals should be allowed pursuant to paragraph 276ADE(1)(vi).
48. Mr Davison accepted that paragraph 58 of EV (Philippines) posed the following question;

"Thus the ultimate question will be is it reasonable to expect the child to follow the parent with no right to remain to the country of origin?"
49. Mr Davison observed that Mr Clarke had submitted that it would be reasonable for Dhanul to return to Sri Lanka, notwithstanding that he was entitled to remain in the United Kingdom, but pointed out that the First-tier Tribunal had made findings, in allowing Dhanul's appeal, that it would not

be reasonable for him to return to Sri Lanka, and I was referred to paragraph 40 of the First-tier Tribunal decision which contained that finding. I was reminded that the Secretary of State had not made any challenge to the findings made by the First-tier Tribunal in relation to Dhanul.

50. Therefore there was a finding that it would not be reasonable for Dhanul to return, and the fact that he would be remaining in the United Kingdom, therefore presented a very significant obstacle to his family members returning to Sri Lanka.
51. If the Claimants' appeals were not allowed in relation to paragraph 276ADE(1)(vi) I was asked to consider Article 8 outside the Immigration Rules and to allow the appeals under Article 8. Mr Davison submitted that although the fourth Claimant is now 26 years of age, she still has family life with her parents and brother. She is not living independently and her life with her family members, amounted to family life that would engage Article 8.
52. At the conclusion of oral submissions I reserved my decision.

My Conclusions and Reasons

53. I have taken into account all the evidence, both oral and documentary, placed before me. I have also taken into account the submissions made by both representatives. I have considered the evidence in the round and taken into account the circumstances as at the date of hearing. The burden of proof when considering the Immigration rules is on the Claimants, and the standard is a balance of probability.
54. Although, Dhanul is listed as a Claimant in this decision, I wish to reiterate that his appeal should never have been before the Upper Tribunal, as there was no challenge in the grounds contained within the application for permission to appeal, to the First-tier Tribunal findings in relation to him. That was accepted on behalf of the Secretary of State at the error of law hearing on 22nd May 2015. Findings made by the First-tier Tribunal in relation to the third Claimant stand, which includes the finding that it is not reasonable for him to leave the United Kingdom.
55. I accept Mr Davison's submissions that it is appropriate to take that into account when considering paragraph 276ADE(1)(vi) and whether there are very significant obstacles to reintegration back into Sri Lanka.
56. Dealing firstly with the first and second Claimants, I accept that they came to the United Kingdom lawfully on 17th May 2002, and that they had leave to remain until 17th November 2002. I find that they have overstayed without permission. The first Claimant has worked illegally. The family as a whole have been in the United Kingdom unlawfully since 17th November 2002.

57. I find that the first Claimant's mother still lives in Sri Lanka. She is looked after by a maid and has her own accommodation. I did not hear any evidence to indicate that the Claimants support her financially.
58. The second Claimant indicated in her evidence that she was in touch with friends in Sri Lanka, who told her that private schools are very expensive. Both the first and second Claimants speak Sinhalese and English. They have lived longer in Sri Lanka than they have in the United Kingdom. They are citizens of Sri Lanka, not British citizens.
59. If this case related only to the first and second Claimants, I would have no hesitation in finding that they have not proved that there are very significant obstacles to their integration back into Sri Lanka. There are no relevant health issues. There would be no language or cultural issues. I find no reason why the first Claimant could not find employment in Sri Lanka, and I did not hear any evidence which would indicate that the second Claimant would be unable to find employment.
60. However it is not the case that I have only to consider the first and second Claimants. They have a 16 year old son who is entitled to stay in the United Kingdom. It was indicated before me on behalf of the Secretary of State, that he was likely to be granted indefinite leave to remain. It was also argued before me that notwithstanding his entitlement to remain in the United Kingdom, it would be reasonable for him to return to Sri Lanka with his parents. I find that I cannot accept that argument, in view of the findings made by the First-tier Tribunal, that it would not be reasonable for him to leave the United Kingdom.
61. I accept the fact that the first and second Claimants' son, who has not yet completed his education, will remain in the United Kingdom, is a very significant factor that has to be taken into account when deciding whether there would be very significant obstacles to his parents leaving him in the United Kingdom and integrating into Sri Lanka. In my view this factor proves on a balance of probabilities that there would be very significant obstacles to the first and second Claimants integrating into Sri Lanka, because they would be leaving their minor son in the United Kingdom. I therefore conclude that their appeals succeed with reference to paragraph 276ADE(1)(vi).
62. I next consider the fourth Claimant and her case with reference to paragraph 276ADE(1)(vi). In view of my findings in relation to her parents, and her brother, I conclude that if she returns to Sri Lanka she would be returning without those family members. Although the fourth Claimant is 26 years of age, she still lives with her family, and has done so, certainly since arriving in the United Kingdom as a 13 year old in 2002.
63. I accept the fourth Claimant's evidence that she has not been back to Sri Lanka since she arrived in this country, and that she has no friends in Sri

Lanka. I accept her evidence that her friends are in the United Kingdom and that she has integrated into this country.

64. Although there was no evidence from the fourth Claimant's boyfriend, I accept her evidence that she is in a relationship and that the couple have discussed engagement.
65. I find that the fourth Claimant was aged 13 years 2 months when she arrived in the United Kingdom. She has now lived in the United Kingdom for just over thirteen years two months. She has therefore lived just over half her life in the United Kingdom, although she cannot succeed under paragraph 276ADE(1)(v) which involves proving that an individual is between 18 and 25 years of age and has spent at least half their life living continuously in the United Kingdom, because that period of time has to be satisfied as at the date of application, not the date of hearing.
66. The fourth Claimant speaks fluent English and I accept her evidence that she does not speak fluent Sinhalese. I accept her evidence that when she speaks with her grandmother in Sri Lanka by telephone, she speaks English.
67. Having carefully considered the evidence, I am satisfied the fourth Claimant has fully integrated into this country, and that she regards herself as being more British than Sri Lankan and that other than her Sri Lankan citizenship, she does not have any strong ties to that country.
68. While I accept that the fourth Claimant has lived here unlawfully since November 2002, I accept that she was a child when she arrived, and that she cannot be blamed for her unlawful status, which initially was the responsibility of her parents.
69. In conclusion, I find on the balance of probabilities, that the fourth Claimant has proved that the factors referred to above, particularly the length of time that she has spent in this country, and the fact that if she returned to Sri Lanka, she would be returning alone, the fact that she has no friends or close family members in Sri Lanka, other than her elderly grandmother, proves on a balance of probabilities that there would be very significant obstacles to her integration into Sri Lanka. Therefore her appeal also succeeds with reference to paragraph 276ADE(1)(vi).
70. I will go on to consider Article 8 outside the Immigration Rules, notwithstanding that the appeals are allowed under paragraph 276ADE.
71. I have followed the principles outlined in Razgar [2004] UKHL 27 which involves answering the following questions;
 - (1) Will the proposed removal be an interference by a public authority with the exercise of the applicant's right to respect for his private or (as the case may be) family life?

- (2) If so, will such interference have consequences of such gravity as potentially to engage the operation of Article 8?
- (3) If so, is such interference in accordance with the law?
- (4) If so, is such interference necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others?
- (5) If so, is such interference proportionate to the legitimate public end sought to be achieved?

72. I find that the Claimants have established family lives with each other, and with Dhanul. Although the fourth Claimant is an adult, and the Court of Appeal in Kugathas [2003] EWCA Civ 31 indicated at paragraph 25 that family life is not established between an adult child and his surviving parent or other siblings unless something exists more than normal emotional ties, I have also considered more recent case law such as Ghising (family life – adult – Gurkha policy) [2012] UKUT 00160 (IAC). In summary the Upper Tribunal found that there was no general proposition that Article 8 of the 1950 Convention could never be engaged when the family life it is sought to establish is between adult siblings living together. Rather than applying a blanket rule with regard to adult children, each case should be analysed on its own facts, to decide whether or not family life exists within the meaning of Article 8(1). Whilst some generalisations are possible, each case is fact-sensitive.
73. Ghising was specifically approved by the Court of Appeal in Gurung and Others [2013] EWCA Civ 8, in relation to the discussion of family life between adults. The Court of Appeal found that whether there was a sufficient dependence and in particular sufficient emotional dependence between adult siblings and adult parents, to justify the conclusion that they enjoyed family life was a question of fact. It is important that there is emotional dependence. In this case I am satisfied there is emotional dependence demonstrated between the four family members. The fourth Claimant has not moved away, and although she may in future move away if she does become engaged to a partner and subsequently married, at the date of hearing she is not leading an independent life and the evidence indicated that she is extremely close to her parents and younger brother.
74. I therefore proceed on the basis that the Claimants have established a private and family life that would engage Article 8. Answering the question whether the proposed interference with their private and family life is in accordance with the law, my primary finding is that it is not. This is because I have found that the appeal succeeds with reference to paragraph 276ADE. However, if that finding is wrong, then the interference would be in accordance with the law.
75. Proceeding on that basis, the proposed interference with the Claimants' private and family lives would be necessary in the interests of maintaining effective immigration control, and the final question to be considered is

whether the interference is proportionate to the legitimate public end sought to be achieved.

76. In considering proportionality I take into account the considerations set out in section 117B of the 2002 Act. Sub-section (1) states the maintenance of effective immigration control is in the public interest. Sub-sections (2) and (3) state that it is in the public interest that persons seeking to remain the United Kingdom can speak English and are financially independent.
77. The Claimants can speak English, and I accept their evidence that they have never claimed funds from the state. They have been financially independent because the first Claimant has worked illegally. However the Upper Tribunal decided in AM (Malawi) [2015] UKUT 0260 (IAC) that an individual can obtain no positive right to a grant of leave to remain from either section 117B(2) or (3), whatever the degree of fluency in English or strength of financial resources.
78. In my view the first and second Claimants succeed with their Article 8 family life claim, because of section 117B(6) which states that the public interest does not require a person's removal where that person has a genuine and subsisting parental relationship with a qualifying child and it would not be reasonable to expect the child to leave the United Kingdom.
79. It is accepted by the Secretary of State that the first and second Claimants do have a genuine and subsisting parental relationship with a qualifying child, and the First-tier Tribunal found that it would not be reasonable to expect the child to leave the United Kingdom.
80. I do not find that the Claimants could succeed with a private life claim under Article 8. This is because section 117B(4) states that little weight should be given to a private life established by a person at a time when the person is in the United Kingdom unlawfully. The Claimants have been in the United Kingdom unlawfully since November 2002 and therefore I attach little weight to the private lives they have established during that period of time.
81. The fourth Claimant cannot succeed with her family life claim with reference to paragraph 117B(6) because she does not have a genuine and subsisting parental relationship with her brother. The question that must be decided in relation to the fourth Claimant's family life, is whether if she was removed from the United Kingdom, this would result in unjustifiably harsh consequence.
82. I find that it would. This is on the basis that the fourth Claimant's parents and brother with whom she had lived all of her life, would be remaining in the United Kingdom. The fourth Claimant would be living in Sri Lanka, a country where she has not lived since 2002 when she was 13 years of age, and where she has no friends, and her only relative would be her elderly grandmother. In those circumstances I find that the Secretary of State's

decision to remove would be disproportionate and would breach Article 8 of the 1950 Convention.

Notice of Decision

The decision of the First-tier Tribunal did not contain an error of law in relation to the third Claimant and the decision in relation to the third Claimant stands.

The decision of the First-tier Tribunal contained an error of law in relation to the first, second and fourth Claimants and was set aside.

I substitute a fresh decision. The appeals of the first, second and fourth Claimants are allowed under the Immigration Rules and on human rights grounds in relation to Article 8 of the 1950 Convention

Anonymity

No anonymity direction was made by the First-tier Tribunal. There has been no request for anonymity made to the Upper Tribunal and no anonymity order is made.

Signed

Date: 25th July 2015

Deputy Upper Tribunal Judge M A Hall

TO THE RESPONDENT FEE AWARD

Although the Claimants' appeals have been allowed I do not make a fee award. Evidence was given to the Tribunal that was not made available to the initial decision maker.

Signed

Date: 25th July 2015

Deputy Upper Tribunal Judge M A Hall