



IAC-FH-CK-V1

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

Appeal Number: IA/12226/2015

THE IMMIGRATION ACTS

**Heard at Field House
On 6th January 2016**

**Decision & Reasons Promulgated
On 19th January 2016**

Before

Upper Tribunal Judge Chalkley

Between

**MR TZORTZ-TOMPI TSELIOS
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: The Appellant in Person

For the Respondent: Mr Esen Tufan, Home Office Presenting Officer

DECISION AND REASONS

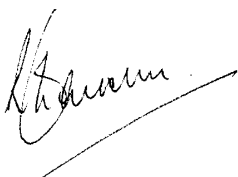
1. The appellant was born on 1st July, 1992 and is a citizen of Greece. In this appeal the Secretary of State decided on 12th March, 2015 to revoke the appellant's EEA registration certificate issued to him on 14th January, 2011, pursuant to Regulation 20(2) of the Immigration (European Economic Area) Regulations 2006. The appellant appealed that revocation and the appeal was heard by First-tier Tribunal Judge Pickup at Stoke-on-Trent without an oral hearing.

2. At paragraph 13 of the determination the judge found that by Regulation 4 of the 2006 Regulations, the appellant as a student, must demonstrate the matters set out in that Regulation. In effect what he said was that the appellant needed to show that:
 - he was a student and had evidence of comprehensive sickness insurance cover in the United Kingdom; and
 - had provided an assurance to the Secretary of State by a declaration or equivalent that he had sufficient resources not to become a burden on the social assistance system of the UK during his period of residence.
3. The judge noted that with the grounds of appeal was a statement from the appellant and, although the judge found that this statement was brief, it appeared to him to comply and he was satisfied therefore that the appellant had made a declaration that he had sufficient resources not to become a burden. The issue before the judge was therefore whether or not the appellant had comprehensive sickness insurance. However, he failed to take account of transitional arrangements which Mr Tufan has very kindly made available to me today. These confirm that from 20th June, 2011, all EEA national students and self-sufficient persons who are applying for documentary evidence for their right to reside in the United Kingdom must provide evidence that they have comprehensive sickness insurance.
4. Under the transitional arrangements EEA nationals who have already been issued with registration certificates prior to 20th June are not required to produce such certificates of insurance. In this case the appellant had been granted a residence certificate on 14th January, 2011 and was not therefore caught by the requirement to have a certificate of comprehensive sickness insurance. That being the case, since he satisfied the judge by the declaration of means that he had sufficient resources not to become a burden on the social assistance system in the United Kingdom during the period of his residence, the appeal should have been granted.

Notice of Decision

I find that for these reasons First-tier Tribunal Judge Pickup erred in law and I set aside his decision. My decision is that the appeal should be allowed.

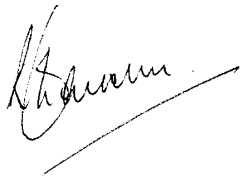
No anonymity direction is made.

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Upper Tribunal Judge Chalkley

TO THE RESPONDENT
FEE AWARD

As I have allowed the appeal and because a fee has been paid or is payable, I have considered making a fee award and have decided to make a whole fee award.

A handwritten signature in black ink, appearing to read 'Chalkley', with a long horizontal stroke extending to the right.

Upper Tribunal Judge Chalkley