



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

Appeal Number: IA/17940/2013

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 12 June 2014**

**Determination  
Promulgated  
On 06 August 2014**

**Before**

**LORD MATTHEWS, SITTING AS AN UPPER TRIBUNAL JUDGE  
UPPER TRIBUNAL JUDGE RINTOUL**

**Between**

**DEMETRIO REGASPI PAPA**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr M Sowersby, Counsel

For the Respondent: Miss J Isherwood, Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. This is the appeal by the Secretary of State for the Home Department. Permission to appeal was granted on the basis that the judge arguably made an error of law by failing to make adequate findings in regard to the evidence which led him to conclude that the sponsor was a job seeker .. .. in employment. The appeal was in fact based on the perceived lack of adequate reasons. Reference is made to the case of MK (Pakistan) [2013] UKUT 00641.

2. The operative finding in the determination is paragraph 8 where it is said that the unchallenged oral and documentary evidence establishes the appellant's civil partner is now in employment in the United Kingdom, this being a case where the appellant applied for a residence card on the basis of his civil partnership with a Belgian national who was said to be exercising his treaty rights in the United Kingdom.
3. It appears from the determination itself that the respondent was represented by a Home Office Presenting Officer and Miss Isherwood very properly presented us with the minute of the Presenting Officer who was present at the time. It is confirmed by Counsel Mr Sowerby that there was a Presenting Officer who was a barrister. We understand .... .. officer of the court he discussed the case with the barrister concerned and let her see the documents on which she relied. These documents were presented to the Immigration Judge and he accepted the evidence, there being no challenge to the documentation, the evidence being accepted in terms by the barrister who appeared for the respondent.
4. In those circumstances it is hardly surprising, we think, that the reasoning is, to say the least, brief. There are circumstances of course where reasons required to be stated in much wider terms, where there is complex evidence which is challenged for example. It is important that judges set out in detail what that evidence is and what the reasoning is for rejecting or indeed accepting particular parts of it.
5. That is not the situation with which we are faced here today. What happened was that evidence was presented. It was unchallenged. The inferences which the appellant sought to draw from that evidence were unchallenged. The only audience effectively which was relevant for the determination were the parties and they can have been in no doubt what the evidence was on which the Immigration Judge reached the finding or what his reasoning was.
6. The respondent was represented by Counsel and Counsel no doubt presented the case in an appropriate fashion. The Presenting Officer before us today, Miss Isherwood, has referred to what appears to us to be a suggestion that there is a paucity of evidence to show that the appellant's sponsor was in fact working.
7. We do not consider that that is a matter that can be raised today. It is not something which appears on the grounds of appeal. It was not something presented to the Immigration Judge. As it happens, having looked at the paperwork we are satisfied that the evidence which was presented was in fact such as would have allowed him to make the determination which he did. So in any event we would not have been .. in finding in favour of the respondent in that regard.

8. For all these reasons the respondent's appeal is refused.

LORD MATTHEWS  
Sitting as an Upper Tribunal Judge  
(Immigration and Asylum Chamber)