



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

Appeal Number: IA/21945/2013

IA/21950/2013

IA/21962/2013

IA/21964/2013

THE IMMIGRATION ACTS

**Heard at Field House
On 23rd January 2014**

**Determination
Promulgated
On 24th January 2014**

Before

UPPER TRIBUNAL JUDGE MARTIN

Between

**MR SWARAN SINGH
MRS MANIT KAUR
MASTER HARPAL SINGH
MASTER BALWINDER SINGH**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms L Scott (instructed by Middlesex Law Chambers))
For the Respondent: Mr N Bramble (Senior Home Office Presenting Officer)

DETERMINATION AND REASONS

1. This matter first came before the Upper Tribunal on 3rd December 2013 when it came before Mr Justice Mitting and me. Permission to appeal had been granted to the Appellants, a Dutch national and his Afghani wife and children. Their appeals to the First-tier Tribunal against the Secretary of State's decision to refuse to issue them with Residence cards as an EEA national and his dependants had been dismissed by a Judge of the First-tier Tribunal. It was dismissed because the First-tier Tribunal Judge was not satisfied that the First Appellant was a worker. As noted by us in our Determination promulgated on 13th January 2014, the single issue was whether or not the First-tier Tribunal had erred in law in concluding that the first Appellant was not a "worker" for the purpose of Regulation 6.
2. We found the First-tier Tribunal Judge's conclusions to be contradictory and unclear and set the determination aside. We noted that nowhere in the determination had the Judge made a finding that the P60 and salary slips produced to him were bogus documents or that the National Insurance number which was the same on both sets of documents was not genuine or that the tax and national insurance contributions shown to have been deducted had not in fact been deducted and paid to HMRC.
3. As the documents had only been produced at the hearing, UKBA had had no opportunity to check their genuineness. If the documents were genuine we said that the Appellants had proved their case. If not then the First-tier Tribunal Judge had been right to dismiss the appeals. Either way, we said, a finding was necessary about the genuineness or otherwise of the documents.
4. Accordingly, we found the First-tier Tribunal Judge had made an error of law for the reasons we stated in that determination. Having decided that the fundamental issue that remained unresolved was whether or not the documents were genuine, we adjourned the matter to permit UKBA to make checks and it was agreed that the resumed hearing would be listed before me alone.
5. UKBA had made the checks on the documents and a signed statement was produced indicating that it was accepted that they were genuine.
6. On that basis and in accordance with the reasoning in our previous determination I remake the decision and allow the Appellants' appeals.

Signed

Date 23rd January 2014

Upper Tribunal Judge Martin