



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: IA/00556/2014

**THE IMMIGRATION ACTS**

Heard at Field House  
On 17 December 2015

Determination & Reasons Promulgated  
On 7 January 2015

Before

**THE HONOURABLE MRS JUSTICE CARR DBE  
DEPUTY UPPER TRIBUNAL JUDGE DAVEY**

Between

**ISHTIAQ AHMED  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

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

Respondent

**Representation:**

For the Appellant: Miss E King, Counsel, instructed by Rahman & Company  
For the Respondent: Mr E Tufan, Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. For reasons given in an earlier determination we have set aside the First-tier Tribunal Judge's decision in one limited but material respect, namely as to the question of

whether or not Miss Ivanova, the appellant's sponsor, is an EEA national exercising treaty rights as a worker.

2. Having set that part of the decision aside we are now invited to remake it. We are content to do so, on the basis of the evidence and findings of the First-tier Tribunal Judge below, and the additional material now placed before us. We take into account the material before the judge below, her findings so far as material and undisturbed by our earlier determination and the new documentation available to us including :

- (a) A letter from a recruitment agency of today's date in the following terms :

"Please accept this letter as confirmation that Ilona Ivanova has worked for us since 11 December and is currently still on an ongoing assignment."

That certification is signed by David Joyner, an operations director;

- (b) Payslips up to 12 December 2014, that is to say up to last week, showing earnings and a national insurance number; and
    - (c) Bank account details up to 12 December 2014 showing the sums recorded in the payslips going into Miss Ivanova's account.
3. On the basis of these matters, we are satisfied on the balance of probabilities that the appellant has established now that Miss Ivanova is an EEA national exercising treaty rights as a worker. For those reasons we allow this appeal.

Signed :

Date : 5 January 2015

The Honourable Mrs Justice Carr

**TO THE RESPONDENT**  
**FEE AWARD**

Before the First-tier Judge no fee award was made because the appeal has been dismissed. In light of this Tribunal's decision the following decision is substituted. The appeal has been allowed both upon the material before the original Tribunal and more recent material but in any event a fee was paid of £140 and in the light of the outcome of the decision today it is appropriate for a fee award to be made against the respondent.

No anonymity order was requested nor is necessary.

Signed

Date 7 January 2015

The Honourable Mrs Justice Carr