



**Upper Tribunal
(Immigration and Asylum Chamber)
IA/10534/2014**

Appeal Numbers:

IA/10500/2014

**IA/10506/2014
IA/10536/2014**

THE IMMIGRATION ACTS

**Heard at Field House
On 15 December 2015**

**Determination
Promulgated
On 23 December 2015**

Before

Deputy Upper Tribunal Judge MANUELL

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

and

Appellant

**(1) Mr MOHAMMED NUR NOBY
(2) Mrs MOSAMMAT NIGAR SULTANA
(3) Master MOHAMMED SHARIAR
(4) Miss NAIYAN BENTA NOBY
(ANONYMITY DIRECTION NOT MADE)**

Respondents

Representation:

For the Appellant: Mr S Staunton, Home Office Presenting Officer
For the Respondents: Mr A Khan, Counsel (instructed by Simon Noble Solicitors)

DETERMINATION AND REASONS

1. The Appellant (the Secretary of State) appealed with permission granted on 27 October 2014 by Designated First-tier Tribunal Judge Baird against the determination of First-tier Tribunal Judge Hindson allowing the

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Respondents' linked appeals against the Secretary of State's refusal to issue them with Registration Certificates pursuant to regulations 6 and 7 of the Immigration (European Economic Area) Regulations 2006 (as amended) ("the EEA Regulations"). The determination was promulgated on 1 October 2014.

2. The Respondents are all nationals of Italy, save for the Second Appellant who is a national of Bangladesh. They are a family. Their applications had been refused because the Secretary of State had been unable to verify that the First Appellant was employed as claimed. He had not proved that he was a qualified person with the Immigration (European Economic Area) Regulations 2006.
3. Permission to appeal was granted by Designated Judge Baird because she considered that it was arguable that the judge's findings in favour of the First Respondent were based on inadequate evidence.
4. Mr Staunton for the Appellant indicated at the start of the error of law hearing that, having reviewed the appeal papers and permission to appeal application, he wished to make no submissions.
5. Mr Khan for the Respondent asked that the Appellant's appeal should be dismissed.
6. In the tribunal's view, it had been open to the judge to reach his decision. The evidence put forward by the Respondents was not perhaps of the strongest and perhaps the judge's reasoning at [17] of his determination might with advantage have been fuller. But it was sufficient, bearing in mind that he had received oral evidence. The Secretary of State was right to make no submissions today. There was no material error of law. The appeal is dismissed.

DECISION

There was no material error of law in the First-tier Tribunal's determination. The Appellant's appeal is dismissed.

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The original decision stands unchanged.

Signed

Dated

Deputy Upper Tribunal Judge Manuell