



IAC-AH-CJ-V1

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

Appeal Number: IA/42408/2014

**THE IMMIGRATION ACTS**

**Heard at Manchester  
On 3 June & 21 July 2015**

**Decision & Reasons Promulgated  
On 11 August 2015**

**Before**

**UPPER TRIBUNAL JUDGE CLIVE LANE**

**Between**

**KHALIQ UR REHMAN  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: In person

For the Respondent: Mr Harrison, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant, Khaliq Ur Rehman, was born on 1 January 1962 and is a male citizen of Pakistan. He had applied for a residence card as confirmation of a right to reside in the United Kingdom as the primary carer (single parent) of an EEA national child present and exercising treaty rights in the UK as a self-sufficient person. His application was refused by a decision of the respondent dated 11 October 2014 but the appellant appealed to the First-tier Tribunal (Judge Ransley) which, in a decision promulgated on 27 January 2015, allowed the appeal. The Secretary of State appealed against that decision and was granted permission by Judge

Mailer on 12 March 2015. The appeal turned on a single issue. Judge Ransley considered [29] that the appellant satisfied each of the criteria required in order to be granted proof of residence as the father of a Lithuanian national aged 7 years and attending primary school in the United Kingdom and from whose mother the appellant is now divorced. The judge found that the appellant had “maintained comprehensive health insurance for himself and the child”. That statement was, unfortunately, not entirely correct. In cross-examination before the First-tier Tribunal, the appellant had stated that his health insurance did not cover “serious diseases”. It transpired at the first hearing before the Tribunal on 3 June 2015 that the appellant had taken out two separate policies although he did not at that time have details available. He produced particulars of the second policy at the hearing on 21 July 2015. The appellant was correct in stating that his first medical insurance policy did not cover certain diseases but that which he additionally took out which ran from 20 April 2015 is, indeed, comprehensive as Mr Harrison, for the respondent, accepted. It follows that the judge made an error of law. It also follows that, in remaking the decision, I am now entirely satisfied that the appellant, as at the date of the Upper Tribunal hearing, is able to meet each of the requirements for the issue of a residence card.

### **Notice of Decision**

2. The determination of the First-tier Tribunal promulgated on 27 January 2015 is set aside. I have remade the decision. The appellant’s appeal against the decision of the respondent dated 11 October 2014 is allowed.

No anonymity direction is made.

Signed

Date 4 August 2015

Upper Tribunal Judge Clive Lane