



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

Appeal Number: EA/05805/2017

THE IMMIGRATION ACTS

Heard at Bradford

On 1 October 2018

**Decision & Reasons
Promulgated
On 10th December 2018**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**PIOTR ZURALSKI
(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 McVeety, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a citizen of Poland. He appealed to the First-tier Tribunal against a decision of the Secretary of State dated 5 June 2017 refusing to issue to him a permanent residence card. The First-tier Tribunal dismissed his appeal on the papers. The appellant now appeals to the Upper Tribunal.
2. I am grateful to Mr McVeety, who appeared before the Upper Tribunal on behalf of the Secretary of State, who acknowledged that the appellant had

provided evidence sufficient to prove that he satisfied the provisions of Immigration (European Economic Area) Regulations 2016. The judge had considered the appeal without a hearing and Mr McVeety agreed that the full documentary evidence provided by the appellant had not been put before him. Had it been, there is no doubt that the judge would have allowed the appeal.

Notice of Decision

3. The decision of the First-tier Tribunal promulgated on 20 September 2017 is set aside. I have remade the decision. The appellant's appeal against the decision of the Secretary of State dated 5 June 2017 is allowed.

Signed

Date 3 December 2018

Upper Tribunal Judge Lane