



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Numbers: IA/23089/2015
IA/23091/2015

THE IMMIGRATION ACTS

Heard at Field House
On 23rd of March 2018

Decision & Reasons Promulgated
On 29th of March 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE WOODCRAFT

Between

MR ABUL KHAIR SALEH UDDIN - 1st Appellant
MRS SHIRIN SULTANA - 2nd Appellant
(ANONYMITY ORDERS NOT MADE)

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Mr Z Hussain, Solicitor

For the Respondent: Mr S Walker, Home Office Presenting Officer

DETERMINATION AND REASONS

The Proceedings

1. The Appellants are both citizens of Bangladesh and are married to each other. The first Appellant who I shall refer to as the Appellant was born on 10th of October 1979. His wife, the 2nd Appellant, was born on 25th of March 1988. They appeal against decisions of the Respondent dated 2nd of June 2015 to refuse their applications for leave to remain. The Appellant applied on 17th of November 2012 for leave to remain as a Tier 1 entrepreneur with his wife as his dependent. Their appeals were allowed by Judge of the First-Tier Tribunal Borsada sitting at Birmingham on 22nd of July 2016.

2. On appeal Deputy Upper Tribunal Judge Pickup sitting at Field House on 30th of March 2017 allowed the Respondent's appeal and set the decision of the First-Tier Tribunal aside. He adjourned the remaking of the decision making certain consequential directions. On 23rd of May 2017 the matter came back before Judge Pickup but he was unable to re-determine the matter because of an incomplete document verification report (DVR). He gave further directions to do with the filing of evidence with an indication that there was no need for a further oral hearing although either party could request such. In the absence of any request the Upper Tribunal would determine the appeal on the basis of the evidence then before it.
3. Before that could happen, the case was transferred to me to be determined. For the reasons which I gave in my decision dated 29th of January 2018 I did not consider it appropriate to re-determine the matter on the papers but indicated that the matter should be relisted for a further oral hearing. There is now annexed to this determination a copy of my decision dated 29th of January 2018 which indicates the reasons for the finding of a material error of law and sets out the background to this case.

The Appellant's Case

4. Prior to coming to the United Kingdom, the Appellant had undertaken a BA (Hons) in English in August 2005 followed by an MA in English. He then decided to go to the United Kingdom to undertake a business degree. He took a compulsory English language test and scored 6.5. The Appellant arrived in 2009 and was given valid leave to remain as a student which was subsequently renewed until 18th of November 2012. A day before that leave was due to expire the Appellant made an application for leave to remain (with the 2nd Appellant as his dependent) under the Tier 1 entrepreneur route. It was the refusal of that application by the Respondent which gave rise to the present proceedings.
5. The Appellant studied in the United Kingdom first for a certificate and diploma in travel and tourism in 2011 followed by an MSc in marketing. It was at this stage, he told Judge Borsada, that he decided to apply to remain in the United Kingdom as an entrepreneur. Amongst the documents he submitted to the Respondent in support of his application under Tier 1 was a letter from the AB bank, Kawran Bazar branch of Bangladesh dated 4th of November 2012. This certified that Mr K Alam of an address in Dhaka was one of the bank's valued clients and maintained an FDR account with the bank. Mr Alam himself stated that he would make £200,000 available for investment in the United Kingdom that sum being on deposit with the AB bank. The Appellant also submitted his TOEIC English language certificates.

The Reasons for Refusal

6. The Respondent took two objections to the Appellant's application. The first was that the Appellant was said to have used a fraudulently obtained English language test

certificate. Having heard evidence Judge Bosada rejected that ground for refusal and there has been no onward appeal against his decision on that point. The 2nd objection was that the certificates from the AB Bank Ltd had been found to be false following checks carried out on the documents by the Respondent. The account number did not exist and the bank statements and certificates had not been issued by the Kawran Bazar Branch as claimed.

7. On appeal the case turned on whether the Respondent could substantiate the allegation that the documentation said to have been issued by the bank was false. The evidence relied upon by the Respondent as proof that the Appellant had attempted to use fake documentation from the bank was a redacted email from an employee of the bank. At first instance the Appellant produced more evidence from the bank (on page 14 of the Appellant's bundle) which the Respondent was not in possession of at the time of the decision. That evidence dealt with the concerns that the bank's certificate and statement were said to be false. There was a further bank letter, the original of which was on the court file, dated 14th of July 2016 which confirmed that the letter dated 4th of November 2012 issued for Mr Alam was genuine.
8. The July 2016 letter continued: "in this regard we would like to confirm that we have not received any written or over the telephone request from any authority for the verification of the aforementioned letter and bank statement or else we would have been able to confirm the authenticity of the above documents issued by us and undersigned by the branch manager". The 4th of November 2012 letter and the bank statements issued were genuine and Mr Alam was financially sound and solvent.
9. On appeal to the Upper Tribunal, Judge Pickup found that the email correspondence relied upon by the Respondent showed that the enquiry made of the bank [by the Respondent] and the response from the bank was short but quite clear. The account number no longer existed. The only redaction was as to the name of the bank employee answering the query and was done for good reason to protect his or her identity. However, if the letter of 14th of July 2016 was itself genuine then the Respondent's case would fall away.
10. The Respondent's bundle submitted for the hearing at 1st instance exhibited three emails. The first was a request by the High Commission in Dhaka asking for verification of the AB account. The 2nd was a reply dated 4th of March 2015 stating that the account number given did not now exist and that the bank certificates and statement had not been issued by that branch of the bank. The 3rd email was sent by the fraud team of the Respondent on 20th of March 2015 to an unknown recipient (which had been redacted). Subsequently there was a further DVR referring to emails which had also apparently been redacted.
11. These emails were not seen by Judge Pickup in the Upper Tribunal but the information in the e-mails was that Mr Alam had maintained an FDR with the bank but it was now closed. His address and account number matched the bank's

records. There was a balance as at 16th of September 2012 in the stated amount (92, 124, 755.94 (Taka) but there was no such employee by the name of M.K. Hossain at the bank. The letter of 14th of July 2016 was signed by MK Hossain who was described as the Senior Assistant Vice President of the Karwan Bazar branch. The bank had no record of the issue of the letter of 4th of November 2012 confirming details of the account.

12. As will be seen from my decision annexed to this determination the case turned on whether the evidence in the DVR was correct or whether the correspondence exhibited by the Appellant was correct. Judge Pickup had been concerned that the Appellant's case appeared to suggest that the Respondent had been guilty of producing false documents by way of a DVR. In order to clear this matter up and resolve the dispute I directed that this case should be heard before me to finally determine the issue of whether the Appellant could satisfy the Tier 1 requirements and genuinely had had access to the appropriate funds at the relevant time.

The Hearing Before Me

13. For the hearing the Appellant produced a statement from his sponsor Mr Alam dated 7th of March 2018 in which Mr Alam stated that he had provided evidence of his account with the AB bank. The account was subsequently closed but was open between 1st of March 2012 until 3rd of February 2015. After the Respondent had refused the Appellant's application Mr Alam contacted the bank. This was with some difficulty due to the fact that the account was now closed and he was no longer an existing customer and was not therefore an urgent concern of the bank. He did manage to get the letter dated 14th of July 2016. He wondered whether an enquiry may have been made by the Respondent to a different branch which would not have had the information that his branch would have.
14. He then became aware of the further verification report (which I have referred to above, see [11]) challenging the authenticity of the July 2016 letter and indeed the existence of Mr Hossain. Mr Alam tried to contact the head office to discuss this issue. Mr Hossain was no longer working for the branch and that may have been the reason why it was confirmed he was not employed by the bank. Nevertheless the 2nd verification report appeared to confirm that the bank account existed and that the funds were in the account for the relevant time but did not confirm that Mr Hossain had never (my emphasis) worked for the bank. As far as Mr Alam was concerned there was no record of any check at the particular branch of the bank.
15. Any further letter he obtained from the branch would face the same criticism that the previous correspondence had received. There was no point in him producing false bank statements and letters to evidence that his account existed and had funds at the relevant time where that was not what was being questioned. There was no reason why he would rely on false documents to evidence something he could do through genuine bank documents. The responses from the bank had caused misunderstandings but the Appellant should not be penalised for that.

16. In oral submissions the Appellant's solicitor emphasised that Mr Alam felt the bank were not being helpful. The DVR had confirmed that the account had existed at the relevant time namely February 2015 and that there was the correct balance and address of the account holder. It was important to consider the point made by Mr Alam that there was no reason why he would produce a false certificate when he could more easily produce a real one. The Presenting Officer indicated he had nothing to add as it appeared that the bank account had existed between 2012 and 2015.

Findings

17. The Appellant submitted his application for leave to remain as a Tier 1 entrepreneur on 17th of November 2012. The issue was whether at that time the Appellant had access to sufficient funds to bring himself within the Tier 1 regulations. The position now is that such an application does not carry a right of appeal but the decision in this case was dated 2nd of June 2015 and therefore the Appellant had the right of appeal against the Respondent's decision. The Appellant had to score 75 points for access to funds, which had to be held in a regulated financial institution and be disposable in the United Kingdom.
18. The Appellant was awarded 0 points because of the Respondent's concern that the DVR appeared to show that documents issued by the AB bank were false. A subsequent DVR showed that Mr Alam had indeed maintained an account in September 2012 when the Appellant submitted his application but by the time the Respondent came to consider the Appellant's application that account had been closed. As I have indicated this was a short point of dispute in this case. Either the Appellant had access to the funds when he submitted his application or he did not.
19. The Respondent appeared to proceed on the basis that the documentation was false implying that Mr Alam had never had an account with the AB bank. That position is untenable in the light of the 2nd DVR which I referred to in my previous decision and at [11] above. The 2nd DVR shows that at the relevant time Mr Alam did have an account with access to the necessary funds. Mr Allen says that he still has access to those funds and they are still available to the Appellant. Mr Alam being in Bangladesh cannot be cross examined on the witness statement he has made but I see no reason why that statement should not be accepted as it is now confirmed that he is a credible witness and is correct in saying he had a bank account at the appropriate time.
20. Whatever the reason for the mix-up at the bank and their reluctance to confirm that someone who was a customer did have an account with them, the important point is whether the Appellant could demonstrate at the relevant time that he had access to the funds. The evidence before me now indicates that on the balance of probabilities he did have that. The issue of whether the emails should or should not have been redacted is not in the circumstances particularly relevant now since the

redaction only went to the identity of the persons making the emails not the information they were supplying.

21. The information that was supplied shows that the Appellant did have access to funds at the relevant time. Whoever it was at the bank who was confirming that is of secondary importance. I have some sympathy for the position that both Judge Borsada and Judge Pickup found themselves in because they did not have the benefit of the further information which has been given to me. On the basis of that further evidence which is not disputed by the Respondent since it is in effect the Respondent's own evidence, I find that the Appellant can meet the requirements of the Immigration Rules and the appeal should be allowed. The 2nd Appellant's appeal is dependent on the Appellant's appeal and falls to be allowed in line with that appeal. As this is a valid appeal under the Rules I do not need to go on to consider issues of article 8.

Notice of Decision

The decision of the First-Tier Tribunal involved the making of a material error of law and has been set aside. I remake the decision in this case by allowing the Appellant's appeal against the decision of the Respondent to refuse to grant leave to remain as a Tier 1 entrepreneur.

Appellant's appeal allowed

I make no anonymity order as there is no public policy reason for so doing

Signed this 26th of March 2018

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Judge Woodcraft
Deputy Upper Tribunal Judge

TO THE RESPONDENT
FEE AWARD

I make no fee award in this case. Further evidence has had to be supplied by the Appellant which was not before the Respondent when the initial decision was made in 2015.

Signed this 26th of March 2018

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Judge Woodcraft
Deputy Upper Tribunal Judge



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Numbers: IA/23089/2015
IA/23091/2015

THE IMMIGRATION ACTS

Heard at Field House
Prepared on the papers
On 19th of January 2018

Decision & Reasons Promulgated

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Before

DEPUTY UPPER TRIBUNAL JUDGE WOODCRAFT

Between

MR ABUL KHAIR SALEH UDDIN - 1st Appellant
MRS SHIRIN SULTANA - 2nd Appellant
(ANONYMITY ORDERS NOT MADE)

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

The matter was determined on the papers.

ADJOURNMENT AND DIRECTIONS

The Proceedings

22. The Appellants are both citizens of Bangladesh and are married to each other. The first Appellant who I shall refer to as the Appellant was born on 10th of October 1979. His wife, the 2nd Appellant, was born on 25th of March 1988. They appeal against decisions of the Respondent dated 2nd of June 2015 to refuse their applications for leave to remain. Their appeals were allowed by Judge of the First-tier Tribunal Borsada sitting at Birmingham on 22nd of July 2016. The Respondent

appealed against that decision and Deputy Upper Tribunal Judge Pickup sitting at Field House on 30th of March 2017 allowed the Respondent's appeal and set the decision of the First-tier Tribunal aside.

23. Following a resumed hearing on 23rd of May 2017 he made certain directions which related to the supply of further evidence:
- (i) The Respondent was to use her best endeavours to obtain, lodge with the Tribunal and serve on the Appellant two emails referred to in a recent document verification report (DVR) within 14 days of the date of the directions that is to say by 20th of June 2017.
 - (ii) Within 7 days from the date of service of either the emails or the Respondent's reasons for not disclosing them the Appellant was at liberty to lodge with the Upper Tribunal and serve on the Respondent any further written submissions.
 - (iii) Either party could make a written request for a further oral hearing.
 - (iv) In the absence of a request for a further oral hearing the Upper Tribunal would determine the appeal on the basis of the evidence then before it.
24. There appears to have been no response to these directions. Accordingly, on 16th of November 2017 the Upper Tribunal sent out a direction on form IA 121 stating: "There having been no request made pursuant to paragraph 4 of the directions of 6th of June this matter will be determined on the papers".
25. On 7th of December 2017 the Principal Resident Judge made a transfer order pursuant to the practice statements of the Senior President of Tribunals. These practice statements provide that where the chamber president decides that it is not practicable for the original Tribunal to complete the hearing or give its determination without undue delay the chamber president may direct the appeal to be heard by differently constituted Tribunal. Accordingly, an order was made transferring the appeal to be heard by a differently constituted Tribunal and thus the matter came before me on the papers on 20th of December 2017.

The Background to the Appeal

26. The Appellant came to the United Kingdom in 2009 and was given valid leave to remain as a student which was subsequently renewed until 18th of November 2012. A day before that leave was due to expire the Appellant made an application for leave to remain (with the 2nd Appellant as his dependent) under the Tier 1 entrepreneur route. It was the refusal of that application by the Respondent which gave rise to the present proceedings.
27. The Respondent took two objections to the Appellant's application. The first was that the Appellant was said to have used a fraudulently obtained English language test certificate. Having heard evidence Judge Bosada rejected that ground for refusal and there has been no onward appeal against his decision on that point. The 2nd objection was that the Appellant had included certificates from the AB Bank Ltd

which the Respondent said had been found to be false following checks carried out on the documents. The account number did not exist and the bank statements and certificates had not been issued by the Kawran Bazar Branch as claimed.

The Decision at First Instance

28. The evidence relied upon by the Respondent as proof that the Appellant had attempted to use fake documentation from the bank was a redacted email from an unknown employee of the bank. At [9] of his determination Judge Borsada did not consider that was sufficient evidence that a fraud had been committed in circumstances in which he, the Judge, had every reason to consider that the Appellant was an honest individual who had never previously sought to carry out a deception.
29. Further the Appellant had produced at the hearing more evidence from the bank (on page 14 of the Appellant's bundle) which the Respondent was not in possession of at the time of the decision. That evidence dealt directly with the concerns that the bank's certificate and statement were said to be false. The Judge accepted the veracity of that evidence particularly given that he had seen the original of the further bank letter (I note that it is in the court file). There was nothing to indicate that this document was not genuine, he found. The Judge stated that he had considered this documentary evidence in the round alongside all the other evidence that had been provided by the Appellant and in doing so remain satisfied that the further letter from the bank was indeed an item of evidence that reliance could be placed upon and which sufficiently addressed the original concerns of the Respondent. The appeal was allowed.

The Onward Appeal

30. The Respondent appealed arguing that it was not clear why the Tribunal had speculated in the Appellant's favour. Nor was it adequately explained why the Respondent's email should be accorded less weight than the Appellant's letter simply because the name had been redacted on it. It was inadequately explained why the Respondent's email, revealing that the bank documents supplied by the Appellant were not documents issued by the relevant branch, was insufficient. The Respondent had had no opportunity to carry out a verification check on the July 2016 letter from the bank manager which the Appellant had produced at the hearing at first instance.
31. Permission to appeal was initially refused by First-tier Tribunal Judge Gillespie on 1st of December 2016 but on renewal Upper Tribunal Judge Perkins granted permission to appeal on the 9th of February 2017. He found it reasonably arguable that the First-tier Tribunal should not have discarded as readily as it did evidence that the Appellant had relied on a false bank statement. The First-tier Tribunal arguably gave unlawful weight to a document relied upon by the Appellant but not disclosed in time for the Respondent to have made proper checks. That said, the Respondent must be able to assist the Tribunal by explaining how the evidence

relied upon by the Respondent proved that the bank declaimed the authenticity of the document relied upon by the Appellant. Based on a quick reading appropriate for a permission application it was not clear to Judge Perkins upon precisely what the bank was asked to comment.

The Error of Law Stage

32. On 23rd of May 2017 following the grant of permission by Judge Perkins the appeal came before Deputy Upper Tribunal Judge Pickup to determine whether there was a material error of law in the first instance decisions such that it should be set aside. Judge Pickup found that First-tier Tribunal Judge Borsada had failed to provide cogent reasons for dismissing the Respondent's document verification evidence whilst accepting an unverified letter from the same bank dated 14th of July 2016 purporting to say that the account was genuine and no request for verification had been made.
33. I pause to note here that the letter from the AB bank dated 14th of July 2016 stated: "in this regard we would like to confirm that we have not received any written or over the telephone request from any authority for the verification of the aforementioned letter and bank statement or else we would have been able to confirm the authenticity of the above documents issued by us and undersigned by the branch manager".
34. There was no adequate reason given, Judge Pickup held, to dismiss the Respondent's evidence or to accept at face value the letter purportedly from the bank which could easily have been a further and brazen attempt to deceive. The email correspondence showed the enquiry made of the bank [by the respondent] and the response from the bank which was short but quite clear was that the account number no longer existed. The only redaction was as to the name of the bank employee answering the query and was done for good reason to protect his or her identity. It was not clear why the Judge had dismissed one piece of evidence but relied unquestioningly on the other. The decision of the First-tier Tribunal was flawed for want of adequate reasoning and could not stand.
35. He therefore ordered that the appeal was to be reheard in the Upper Tribunal at Field House reserved to himself. If the Respondent obtained clarification that the bank letter was genuine and therefore the bank account was genuine the Tribunal had to be notified that the Respondent's appeal was pursued no further. No fee award was made.
36. Judge Pickup continued: "in adjourning the remaking of the decision it was anticipated that the Secretary of State would take the opportunity not previously available to seek to verify the 14/7/16 bank letter. I directed that if it was found that the letter was genuine, the Tribunal must be notified that the appeal [by the Respondent] was not pursued. At the 23rd of May 2017 hearing before me I was informed that a DVR had indeed been obtained which had been emailed to the Tribunal suggesting that this further bank letter was also fraudulent. During

submissions [counsel for the Appellant] made the point that the recent DVR referred to emails one requesting verification and another with the answer from the bank. Neither of these emails was attached to the DVR. [Counsel] made submissions that it could not be clear on this limited evidence what document was actually examined and what the outcome was. It was pointed out that the emails relevant to the previous DVR had been produced in the Respondent's bundle."

37. The Judge stood the case down at this point asking the Presenting Officer to obtain the emails referred to in this most recent DVR. The Presenting Officer returned to inform the Judge that he, the Presenting Officer, had not been able to obtain the emails. The Judge continued at [11] "recognising that [counsel] was entitled to raise criticism of the incomplete information, when it should reasonably be possible to provide it, even if in a redacted format, I agreed that the appropriate course before remaking the decision was to give the Secretary of State time to produce the emails in question." Both the Presenting Officer and counsel agreed that there was likely to be no need for a further oral hearing and the Judge made the directions which I have referred to above at paragraph 2.

The Hearing Before Me

38. When the matter came on the papers before me on 20th of December 2017 following the transfer order I noted that it did not appear from the court file that there had been any response by the Respondent to the directions of Judge Pickup and thus there was no trigger for any response from the Appellant. Upon further investigation I received the following from the Respondent: "The SSHD also (my emphasis) applied under Section 108 of the 2002 Act for the above attachment NOT to be disclosed to the other side and for the documents to be considered by the court in private. The emails are all un-redacted and contain the personal details of staff at the Home Office and the bank in question. As such the SSHD contends it is not in the public interest to disclose the contents to the other side."
39. Section 108(1) (a) of the 2002 act relates to allegations where a document is said to be a forgery. Subsection (1) (b) provides that disclosure to a party of information relating to the detection of forgery may be withheld where that would be contrary to the public interest. In this case the Respondent's concern as with the previous DVR is the disclosure of the identity of individuals rather than the information itself. The disclosure of the information contained in the emails as opposed to the identity of the makers of the emails does not in my view adversely affect the detection of forgery. I make no decision at this stage on the issue of the disclosure of the identity of the makers of the e-mails.
40. What I can state at this stage is that the information in the e-mails is that the individual mentioned in the letter of 11th of July 2016 did maintain an FDR with the bank but it is now closed. The address and account number matched the bank's records. There was a balance as at 16th of September 2012 in the stated amount (92, 124, 755.94 (Taka) but there was no such employee by the name of M.K. Hossain at

the bank. They had no record of the issue of the letter of 4th of November 2012 confirming details of the account.

41. The communication from the Respondent and the use of the word “also” appeared to suggest that even if no submission had been made to Judge Pickup under section 108 the Respondent had previously attempted to make a written communication to the Tribunal in accordance with direction 1 of the directions order of 6th of June 2017. Either way the Respondent’s communication raised a serious issue on which the Appellant was entitled to reply at the very least in writing but preferably at a resumed oral hearing.

Findings

42. The Tribunal needs to receive arguments from both parties on whether it is appropriate for an order under section 108 of the 2002 Act (in the light of paragraph 19 above) and generally on the merits of the case. The decision of Judge Pickup dated 11th of April 2017 was to set aside the decision of Judge Borsada and direct that the appeal be decided afresh with no findings of fact preserved. Whilst I deprecate the delay which has happened in this case, in the interests of fairness I do not think it right that this appeal should be determined by me de novo without the opportunity being given to the Appellant to make further representations on the allegations made against him by the Respondent in the most recent DVR and its enclosures. I bear in mind Judge Borsada’s description of the Appellant which I have summarised at paragraph 7 above. I remind myself that Judge Borsada had the benefit of hearing the Appellant give evidence and the Upper Tribunal has not thus far.
43. As Judge Pickup pointed out at [13] of his decision dated 11th of April 2017 if the bank’s letter is genuine and they had not received any request for verification of the account then the Respondent’s email correspondence (including the most recent DVR) would have to have been fabricated, a very serious allegation to make as Judge Pickup put it. The Respondent’s case is that he does not wish to disclose the e-mails pursuant to section 108, although that view, as I understand it, relates to disclosure of the identity of the persons writing emails not the information itself. The previous position before Judge Pickup appears to have been that the Respondent was unable to obtain the emails. Since this is a significant difference I consider it is in the interests of justice that the Appellant should be given an opportunity to answer the points raised including if necessary evidence which confirms or otherwise the employment of Mr M. K. Hossain.
44. I therefore further adjourn this matter to the first available date before me. I appreciate the inconvenience that a further hearing may cause to the parties. Nevertheless, I bear in mind the overriding objective contained at Rule 2 of the Upper Tribunal Procedure Rules, that the Tribunal must deal with the case fairly and justly with the need to ensure as far as practicable that the parties are able to participate fully in the proceedings. In the light of that it would not be appropriate for me to decide this matter de novo without giving the Appellant a further

opportunity to make oral submissions if he so wishes alternatively, written submissions on the issue of the bank documentation. The issue of the English language certificate is no longer in dispute since Judge Borsada's decision on that point was not appealed.

Notice of Decision

- (i) I direct that the hearing of this appeal be adjourned to the first open date to be listed before me, Deputy Upper Tribunal Judge Woodcraft, with a time estimate of one hour 30 minutes.
- (ii) The Appellant do make further representations in writing and/or file further evidence, if so advised, to be filed at the Tribunal and served on the Respondent at least 21 days before the adjourned hearing.
- (iii) I make no anonymity order as there is no public policy reason for so doing.

Signed this 29th of January 2018

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Judge Woodcraft
Deputy Upper Tribunal Judge

TO THE RESPONDENT
FEE AWARD

The issue of a fee award remains outstanding to be decided at the resumed hearing.

Signed this 29th of January 2018

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Judge Woodcraft
Deputy Upper Tribunal Judge