



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: EA/00972/2018

THE IMMIGRATION ACTS

Heard at Field House
On 18 July 2018

Decision & Reasons Promulgated
On 20 August 2018

Before

UPPER TRIBUNAL JUDGE ALLEN

Between

MS SARAH ABEDI GYAMFI
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms D Ofei-Kwatia, instructed by BWF Solicitors

For the Respondent: Mr N Bramble, Senior Home Office Presenting Officer

DECISION AND REASONS

1. This is the appeal of Ms Gyamfi against a decision of a First-tier Judge promulgated on 11 April 2018 dismissing her appeal against a decision of 10 January 2018 refusing to issue her with a permanent residence card on the basis of her previous relationship with her EEA sponsor. The judge dismissed the appeal on the basis that he was not satisfied about documentation that had been provided concerning her former husband's employment.
2. Permission to appeal that judgment was sought on the basis that the judge had not paid proper attention to HMRC records which had been provided to him, and permission was granted by a Judge of the First-tier Tribunal on the basis that in the absence of the respondent's bundle the totality of the evidence could not be considered.

3. Perhaps more realistically today discussion has focused on the HMRC documents and I have had helpful submissions in relation to those from Ms Ofei-Kwatia on behalf of the appellant and Mr Bramble on behalf of the respondent.
4. In essence, I think Mr Bramble can be said to be satisfied with the evidence that these documents present subject to the fact that they are copies rather than originals and it would seem that if the Home Office is satisfied with the originals then the likelihood is that a residence card will be granted. It seems that from taking instructions Ms Ofei-Kwatia has learnt that given the passage of time the appellant has made a fresh application and of course has provided the original documents to the Home Office in connection with that fresh application.
5. I find there is an error of law in the decision in that the judge did not give proper consideration to the copy documents from HMRC. As a consequence of developments subsequent to the hearing, it is not necessary to reconvene. Mr Bramble has, very helpfully, considered the original documents and is satisfied that the appellant meets the requirements of the Immigration (European Economic Area) Regulations 2016 for permanent residence.

Notice of Decision

6. The appellant's appeal against the decision of 10 January 2018 is, as a consequence, allowed.
7. No anonymity direction is made.



Signed

Date 16.08.2018

Upper Tribunal Judge Allen