



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-001245
First-tier Tribunal No:
EA/10048/2022

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 23 November 2023

Before

UPPER TRIBUNAL JUDGE PERKINS
DEPUTY UPPER TRIBUNAL JUDGE CHAPMAN

Between

AMARJOT SINGH
(NO ANONYMITY ORDER MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: The Appellant did not appear and was not represented.
For the Respondent: Ms S Cunha, Senior Home Office Presenting Officer

Heard at Field House on 9 November 2023

DECISION AND REASONS
(extempore)

1. This is an appeal against a decision of the First-tier Tribunal dismissing the appeal of the appellant against a decision of the Secretary of State on 7 October 2022 for permission to settle under the EU Settlement Scheme.
2. The appellant is not here. He has written to the Tribunal indicating that he did not intend to appear and wanted the case dealt with on the papers. It would not have been possible to deal with the case on the papers without the consent of the Secretary of State. It was listed for oral hearing and this was explained to the appellant who chose not to attend. I doubt if he could have made much difference if he had attended because Ms Cunha, for the Secretary of State, had an opportunity of considering the case carefully and she has advised us that in the light of the findings made by the judge, which have not been challenged by the Secretary of State, the appeal should have been allowed. This is because the judge accepted that at material times the appellant's wife and sponsor was entitled to be in the United Kingdom where she was exercising treaty rights. That

resolved the matter in the appellant's favour and the appeal should have been allowed.

3. It is not helpful or necessary to give a detailed explanation because what we are saying is wholly consistent with what we have been told by Ms Cunha. The short point is that the judge erred by not allowing the appeal.

Notice of Decision

4. We allow the appeal against the First-tier Tribunal's decision and we substitute a decision allowing the appeal against the Secretary of State's decision so the appellant is entitled to the permission that he sought.

Jonathan Perkins

Judge of the Upper Tribunal
Immigration and Asylum Chamber

17 November 2023