



**Upper Tribunal  
(Immigration and Asylum Chamber)  
EA/10987/2016**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Field House**

**On 2 October 2017**

**Decision & Reasons  
Promulgated**

**On 4 October 2017**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE SHERIDAN**

**Between**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**and**

**PIERRE NINJOH**

**(ANONYMITY DIRECTION NOT MADE)**

Respondent

**Representation:**

For the Appellant: Mr P Duffy, Senior Home Office Presenting Officer  
For the Respondent: Mr R Nwaekwu, Counsel instructed by Moorehouse Solicitors

**DECISION AND REASONS**

1. The respondent (hereinafter “the claimant”) is a citizen of Cameroon born on 8 January 1985. This appeal arises from the decision of the Secretary of State dated 25 August 2016 to refuse the claimant’s application for a residence card as confirmation of a right of residence as a spouse of an EEA national under Regulation 6 of the Immigration (European Economic Area) Regulations 2006.
2. The claimant claimed his wife (hereinafter “the sponsor”) was employed by a company called Revor Limited and therefore was a qualified person

under Regulation 6(1)(b) of the Immigration (European Economic Area) Regulations 2006.

3. The Secretary of State took issue with this for three reasons. Firstly, enquiries were made showing Revor Limited was dissolved on 17 November 2015. Secondly, several bank statements from the sponsor's NatWest Bank account indicated funds were paid to her by a company called "Trevor Limited" rather than "Revor Limited". Thirdly, the Secretary of State considered the NatWest documents to not be of the expected standard.
4. The claimant's appeal was considered by First-tier Tribunal Judge Swaniker on the papers. The judge found that Revor Limited had re-registered shortly after it dissolved and, having regard to the wage slips and bank statements before him, was satisfied the sponsor had been employed by Revor Limited during the relevant period.
5. The Secretary of State appealed.
6. Although several arguments are made in the grounds of appeal Mr Duffy stated that only one argument was being pursued which was that the judge failed to resolve a conflict on a material matter which is that several of the sponsor's bank statements refer to a company called Trevor Limited whereas the sponsor claims to have worked for and been paid by a company called Revor Limited.
7. Mr Nwaekwu, on behalf of the claimant, accepted that the judge had not explicitly dealt with this issue but argued that the error, if there was one, was not material as it was clear that the sponsor had worked for Revor Limited and the addition of a 'T' was merely a typographical error.
8. I agree with Mr Duffy that the judge made a material error of law. One of the key arguments of the Secretary of State in the letter refusing the claimant's application was that there was a discrepancy between the name of the company in the NatWest documentation and on the payslips. It was incumbent upon the judge to address this issue and the failure to do so was an error of law.
9. After delivering my decision in respect of there being an error of law, I advised the parties I would proceed to re-make the decision.
10. In remaking the decision, I have preserved the findings of the First-tier Tribunal in respect of the dissolution of Revor Limited and the reliability of the NatWest documentation. The judge's reasoning on these issues is clear and I note that these discrete issues were not pursued by Mr Duffy. Accordingly, the only issue before me in re-making the decision is the discrepancy in the name of the sponsor's employer between the payslips and several entries in the NatWest documentation.
11. Mr Nwaekwu submitted into evidence (with my permission) a letter from Revor Limited apologising for what it described as a typographical error in the company being described as Trevor Limited rather than Revor Limited.

12. I am satisfied that on the balance of probabilities that payments identified as being from Trevor Limited on the NatWest Bank accounts are in reality from the sponsor's employer, Revor Limited. I reach this conclusion for three reasons. Firstly, the payments from Trevor Limited correspond to payslips from Revor Limited both in terms of when the payments were made and the amount of money paid. Secondly, Revor and Trevor are very similar words with only one letter distinguishing them and I therefore consider it plausible that a typographical error of this nature was made. Thirdly, Revor Limited have explained in a letter that a typographical error was made.
13. Accordingly, I am satisfied that the evidence demonstrates that the sponsor has been employed by Revor Limited such that she is a qualified person under Regulation 6 of the EEA Regulations. The claimant's appeal is therefore allowed.

### **Notice of Decision**

14. The decision of the First-tier Tribunal contains a material error of law and is set aside.
15. I remake the decision by allowing the appeal.
16. No anonymity direction is made.

Signed



Deputy Upper Tribunal Judge Sheridan    Dated: 4 October 2017