



The Lincolnshire Solicitors

Chattertons' recent success with Asylum and Immigration Tribunal Appeals

We have recently been instructed with regards to pursuing four Asylum and Immigration Tribunal ('AIT') appeals. We have successfully won all of these appeals, and consequently the applicants have been granted further leave to remain in the UK or a residence card to live in the UK.

Tier 1 of the Points Based System ('PBS')

The first three of these appeal cases involved a **Tier 1 (General) Migrant, Highly Skilled Worker** application, for further leave to remain in the UK, ('the main applicant'). At the same time, the main applicant's wife and child contemporaneously applied for leave to remain, as the partner and child of a Tier 1 (General) Migrant applicant, (they applied as dependants). The applicant and his dependants had been legally living and/or working in the UK since May 2002. All three applicants were refused further leave to remain in the UK on the grounds that: the main applicant had failed to produce original documents showing their earnings and had failed to demonstrate that they had £800 in their bank account for 3 consecutive months prior to making the application.

Chattertons managed to produce a large bundle of documentary evidence in support of the applicants appeal form (AIT-1), along with a comprehensive Witness Statement. The appeals were successfully won on Human Rights grounds. All three applicants have all been granted a further 3 years leave to remain in the UK. Before this current leave expires, these applicants will be able to apply for settlement; this is indefinite leave to remain.

Residence Card

The fourth of these appeal cases involved the application by a Mrs Karima Dendani, a citizen of Algeria, for a residence card to live in the UK as the family member of an EEA National. The application was initially refused on the grounds that Mrs Dendani's husband, Mr Hans-Joachim Puls, did not represent a qualifying person for the purposes of the application. A qualifying person is required to be employed in the UK and making both Income Tax and National Insurance contributions. The couple therefore instructed Chattertons Immigration Team to conduct the AIT appeal on Mrs Dendani's behalf.

In support of the appeal form (AIT-1) documentary evidence of Mr Puls' status as a qualifying person was provided, detailing his employment in the UK and the contributions he had been making. The appeal to the Immigration and Asylum Tribunals Service was successful on the grounds that Mr Puls did satisfy the

requirements to be a qualifying person, making Mrs Dendani in turn the family member of a qualifying EEA National. As a result Mrs Dendani was granted a residence card to live in the UK.

The clients have said: *“We are very happy with your service and the result we obtained. You did the job in a very professional way.”*

- Hans-Joachim Puls and Karima Dendani – of Burton Waters, Lincoln (26th March 2010).

How Chattertons can help you

The warning to be taken from this as an applicant is to make sure that you meet all of the required criteria for the relevant application that you are making. If you do not meet all of the criteria, and you do not prove that you meet all of the criteria by providing documentary evidence, then your application is likely to be refused by the Home Office UK Border Agency. We are able to assist you in submitting applications to the Home Office and advising you whether it is likely that you have submitted enough evidence to prove that you have met the relevant criteria.

If the Home Office UK Border Agency has notified you that your application has been refused, and you have been given the right to appeal, then please do not hesitate to contact our **immigration Solicitor Rebecca Birkett on 01205 310025**, who can advise you what your options are. Please remember to act quickly, as there are deadlines involved that are out of our control.

If you have any other immigration enquiries or problems, then why not give us a call anyway, to see if there is anything that you can do.