



**Upper Tribunal  
(Immigration and Asylum Chamber)**

Appeal Numbers: DA/00451/2016

**THE IMMIGRATION ACTS**

**Heard at Field House**

**Decision & Reasons**

**On 18<sup>th</sup> September 2017**

**Promulgated  
On 09<sup>th</sup> October 2017**

**Before**

**UPPER TRIBUNAL JUDGE FRANCES**

**Between**

**JOSE MARIA VEIGA VAZ DE PINA  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr B Lams, instructed by Anglia Immigration Law

For the Respondent: Mr E Tufan, Home Office Presenting Officer

**DECISION AND DIRECTIONS**

1. The Appellant is a citizen of Portugal born on 11<sup>th</sup> January 1980. His appeal against the decision to deport him was dismissed under the Immigration (EEA) Regulations and on human rights grounds by First-tier Tribunal Judge Lucas on 23<sup>rd</sup> June 2017.

2. After hearing brief submissions by the parties, I find that the judge erred in law in failing to apply the relevant test set out in Regulation 21 of the EEA Regulations 2006. It was accepted that the Appellant had permanent residence and therefore the issue was whether there were serious grounds of public policy to justify deportation. The judge has failed to demonstrate that he applied that test to the Appellant's case.
3. The judge finds: 'The Tribunal is quite satisfied that deportation is sufficiently serious to activate Regulation 21'. This was insufficient to demonstrate which test he had applied and whether he had considered all the relevant factors set out in Regulation 21.
4. I have decided in accordance with paragraph 7.2 of the Practice Statements of 25<sup>th</sup> September 2012 that the decision dated 23<sup>rd</sup> June 2017 should be set aside and the appeal remitted to the First-tier Tribunal. None of the judge's findings are preserved.

### **DIRECTIONS**

- (i) The Tribunal is directed pursuant to section 12(3) of the Tribunals, Courts and Enforcement Act 2007 to reconsider the appeal at a hearing before a First-tier Tribunal Judge other than First-tier Tribunal Judge Lucas.
- (ii) I direct that the Appellant serve on the Respondent and the Tribunal any further evidence and submissions at least 14 days before the hearing.
- (iii) The matter is listed before a First-tier Tribunal judge at the first available date.
- (iv) A Portuguese interpreter is required.

**J Frances**

Signed

Date 18<sup>th</sup> September 2017

Upper Tribunal Judge Frances