



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

Appeal Number: DA/00377/2017

THE IMMIGRATION ACTS

Heard at Glasgow

On 5 March 2018

**Decisions & Reasons
Promulgated
On 26 April 2018**

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

PATRYK TROCKI

Respondent

Representation:

For the Appellant: Mr M Diwyncz, Senior Home Office Presenting Officer
For the Respondent: Mr A Caskie, Advocate, instructed by Chung & Rea,
Solicitors

DETERMINATION AND REASONS

1. The SSHD appeals against a decision by FtT Judge Cox, promulgated on 3 November 2017, allowing the appellant's appeal against deportation under the Immigration (EEA) Regulations 2016.
2. The SSHD's grounds of appeal to the UT are stated in her application dated 10 November 2017.

3. A rule 24 response for Mr Trocki submits that the matters in the grounds were addressed in the judge's decision; there is no suggestion that it was perverse; the grounds suggest that the judge failed to have regard to relevant matters, when he patently did; and the judge was entitled to conclude as he did for the reasons he gave.
4. Mr Diwyncz accepted that the decision was not said and could not be said to be perverse. He was unable to show that the decision fails to give reasons for its findings, or fails to resolve any material conflict, those being the terms in which the alleged errors are summed up at paragraph 5 of the grounds.
5. I indicated that the appeal to the UT would be dismissed.
6. The features on the SSHD's side mentioned in the grounds are strong ones, but they were all dealt with by the judge in a clear-eyed fashion. They are not minimised. There were also sensible considerations on the other side.
7. This was a finely balanced case, which might readily have been decided either way, but the grounds are no more than disagreement with the judge coming down on the side he did. The grounds disclose no error on a point of law.
8. The decision of the First-tier Tribunal shall stand.
9. No anonymity direction has been requested or made.



6 March 2018
Upper Tribunal Judge Macleman