



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Numbers: EA/05259/2018  
EA/10994/2016

THE IMMIGRATION ACTS

Heard at Field House  
On 3 September 2019

Decision & Reasons Promulgated  
On 12 September 2019

Before

UPPER TRIBUNAL JUDGE NORTON-TAYLOR  
DEPUTY UPPER TRIBUNAL JUDGE HOLMES

Between

LAELSON [A]  
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Mr J Plowright, Counsel, instructed by Mentor Legal LLP  
For the Respondent: Mr N Bramble, Senior Home Office Presenting Officer

**CONSENT ORDER PURSUANT TO RULE 39 OF THE TRIBUNAL PROCEDURE  
(UPPER TRIBUNAL) RULES 2008**

1. The Appellant challenged the decision of First-tier Tribunal Judge Freer, promulgated on 12 March 2019, who dismissed his linked appeals against the Respondent's decisions of 16 July 2018, refusing to issue him with a permanent residence card pursuant to the Immigration (European Economic Area) Regulations

2016, and 1 September 2016, refusing to issue him with a residence card under the Regulations on the basis of a retained right of residence.

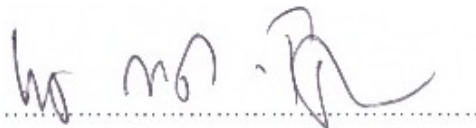
2. At the outset of the hearing, Mr Bramble accepted that, for the reasons set out in the grounds of appeal, the judge's decision contained material errors of law and that the appeals should be remitted to the First-tier Tribunal for a complete rehearing. Mr Plowright was in agreement with this course of action.
3. The Appellant's appeals to the Upper Tribunal are therefore allowed and the decision of Judge Freer is set aside for error of law.
4. The appeals are remitted to the First-tier Tribunal for a complete rehearing.

#### **Directions to the First-tier Tribunal**

1. The appeals shall remain linked and are remitted to the First-tier Tribunal (Taylor House hearing centre) for a complete rehearing, with no preserved findings of fact;
2. The remitted hearing shall not be conducted by First-tier Tribunal Judge Freer;
3. The First-tier Tribunal will need to consider whether the Appellant has acquired a permanent right of residence in the United Kingdom, or whether, in the alternative, he has a retained right of residence.
4. Polish and Portuguese interpreters are required for the remitted hearing;
5. There is a 4 hour time estimate for the remitted hearing.

#### **Directions to the parties**

1. The Appellant shall file with the First-tier Tribunal and serve on the Respondent an indexed and paginated consolidated bundle, including any new evidence, no later than 21 days from the date this Consent Order is sent out;
2. The Respondent shall file with the First-tier Tribunal and serve on the Appellant any further evidence relied upon, no later than 28 days from the date this Consent Order is sent out.



Signed

Date: 3 September 2019

Upper Tribunal Judge Norton-Taylor