



**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: DA/00075/2020**

THE IMMIGRATION ACTS

**Heard at Birmingham CJC
On the 4 August 2022**

**Decision & Reasons Promulgated
On the 25 August 2022**

Before

UPPER TRIBUNAL JUDGE HANSON

Between

CIPRIAN IOAN

(Anonymity direction not made)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: In person.

For the Respondent: Mr Williams, a Senior Home Office Presenting Officer.

DECISION AND REASONS

- 1.** The appellant is a citizen of Romania born on 6 July 1983 whose appeal was initially allowed by the First-tier Tribunal but that decision set aside by the Upper Tribunal. The matter returns to the Upper Tribunal today to enable it to substitute a decision to either allow or dismiss the appeal.
- 2.** The appellant is the subject of a deportation order made by the Secretary of the State as a result of his criminal activity which is

recorded in the Decision to make a Deportation Order in the following terms:

5. You first came to adverse attention of the UK authorities on 7 December 2013 when you were arrested for pursuing a course of conduct which amounted to harassment and was cautioned by Nottinghamshire police on 12 December 2013.
6. Between 26 November 2015 and 28 October 2019 you have amassed 5 convictions for 6 offences namely: 2 offences against the person, 1 offence against property, 2 offences relating to police/courts/prisons and 1 miscellaneous offence.
7. On 28 October 2019 at Nottinghamshire Magistrates Court you were convicted of assault occasioning actual bodily harm and sentenced on the same day to 6 months imprisonment and a restraining order and a victim surcharge of £122.

3. The level of protection to which the appellant is entitled under the Immigration (EEA) Regulations 2016 is that set out at [73] of the First-tier decision which is in the following terms:

73. On 28 October 2019 the appellant received a six month custodial sentence for an offence of assault occasioning actual bodily harm. The continuity of residence was broken. Had he acquired permanent residence before this? The appellant states that he has been working in the United Kingdom since 2013. However, his tax records only begin for the financial year 2014–2015. They show income from employment at £1954. On the evidence before me, I cannot be persuaded that he was exercising Treaty rights in 2013. I cannot even be persuaded that he was continuously exercising Treaty rights during the 2014–2015 tax year, given his low level of income. On the evidence submitted I find that he has only been able to establish that he has been exercising Treaty rights from the financial year beginning April 2015 onwards. Therefore, by the time that he received his custodial sentence in 2019, he had not accrued five years continuous residence. He is therefore only eligible for the basic or lower level of protection.

4. There was no challenge to that finding which is therefore preserved.

The law

5. The power to exclude an EEA citizen under the Regulations is to be found in regulation 23 which is in the following terms:

Exclusion and removal from the United Kingdom

- 23.—**(1) A person is not entitled to be admitted to the United Kingdom by virtue of regulation 11 if a refusal to admit that person is justified on grounds of public policy, public security or public health in accordance with regulation 27.
- (2) A person is not entitled to be admitted to the United Kingdom by virtue of regulation 11 if that person is subject to a deportation or exclusion order, except where the person is temporarily admitted pursuant to regulation 41.

- (3) A person is not entitled to be admitted to the United Kingdom by virtue of regulation 11 if the Secretary of State considers there to be reasonable grounds to suspect that the person's admission would lead to the misuse of a right to reside under regulation 26(1).
- (4) A person is not entitled to be admitted to the United Kingdom as the family member of an EEA national under regulation 11(2) unless, at the time of arrival—
- (a) that person is accompanying the EEA national or joining the EEA national in the United Kingdom; and
 - (b) the EEA national has a right to reside.
- (5) If the Secretary of State considers that the exclusion of the EEA national or the family member of an EEA national is justified on the grounds of public policy, public security or public health in accordance with regulation 27 the Secretary of State may make an order prohibiting that person from entering the United Kingdom.
- (6) Subject to paragraphs (7) and (8), an EEA national who has entered the United Kingdom or the family member of such a national who has entered the United Kingdom may be removed if—
- (a) that person does not have or ceases to have a right to reside under these Regulations;
 - (b) the Secretary of State has decided that the person's removal is justified on grounds of public policy, public security or public health in accordance with regulation 27; or
 - (c) the Secretary of State has decided that the person's removal is justified on grounds of misuse of rights under regulation 26(3).
- (7) A person must not be removed under paragraph (6)—
- (a) as the automatic consequence of having recourse to the social assistance system of the United Kingdom; or
 - (b) if that person has leave to remain in the United Kingdom under the 1971 Act unless that person's removal is justified on the grounds of public policy, public security or public health in accordance with regulation 27.

(8) A decision under paragraph (6)(b) must state that upon execution of any deportation order arising from that decision, the person against whom the order was made is prohibited from entering the United Kingdom—

- (a) until the order is revoked; or
- (b) for the period specified in the order.

(9) A decision taken under paragraph (6)(b) or (c) has the effect of terminating any right to reside otherwise enjoyed by the individual concerned.

6. The decision to deport make specific reference to regulation 23(6)(b) which contains a direct reference to regulation 27. That regulation reads:

Decisions taken on grounds of public policy, public security and public health

27.—(1) In this regulation, a “relevant decision” means an EEA decision taken on the grounds of public policy, public security or public health.

(2) A relevant decision may not be taken to serve economic ends.

(3) A relevant decision may not be taken in respect of a person with a right of permanent residence under regulation 15 except on serious grounds of public policy and public security.

(4) A relevant decision may not be taken except on imperative grounds of public security in respect of an EEA national who—

(a) **[F64]** has a right of permanent residence under regulation 15 and who] has resided in the United Kingdom for a continuous period of at least ten years prior to the relevant decision; or

(b) is under the age of 18, unless the relevant decision is in the best interests of the person concerned, as provided for in the Convention on the Rights of the Child adopted by the General Assembly of the United Nations on 20th November 1989(**17**).

(5) The public policy and public security requirements of the United Kingdom include restricting rights otherwise conferred by these Regulations in order to protect the fundamental interests of society, and where a relevant decision is taken on grounds of public policy or public security it must also be taken in accordance with the following principles—

- (a) the decision must comply with the principle of proportionality;

- (b) the decision must be based exclusively on the personal conduct of the person concerned;
- (c) the personal conduct of the person must represent a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society, taking into account past conduct of the person and that the threat does not need to be imminent;
- (d) matters isolated from the particulars of the case or which relate to considerations of general prevention do not justify the decision;
- (e) a person's previous criminal convictions do not in themselves justify the decision;
- (f) the decision may be taken on preventative grounds, even in the absence of a previous criminal conviction, provided the grounds are specific to the person.

(6) Before taking a relevant decision on the grounds of public policy and public security in relation to a person ("P") who is resident in the United Kingdom, the decision maker must take account of considerations such as the age, state of health, family and economic situation of P, P's length of residence in the United Kingdom, P's social and cultural integration into the United Kingdom and the extent of P's links with P's country of origin.

(7) In the case of a relevant decision taken on grounds of public health—

(a) a disease that does not have epidemic potential as defined by the relevant instruments of the World Health Organisation or is not a disease listed in Schedule 1 to the Health Protection (Notification) Regulations 2010([18](#)); or

(b) if the person concerned is in the United Kingdom, any disease occurring after the three month period beginning on the date on which the person arrived in the United Kingdom,

does not constitute grounds for the decision.

(8) A court or tribunal considering whether the requirements of this regulation are met must (in particular) have regard to the considerations contained in Schedule 1 (considerations of public policy, public security and the fundamental interests of society etc.).

7. As noted, regulation 27 (8) contains a direct link to Schedule 1 of the regulations which reads:

Considerations of public policy and public security

1. The EU Treaties do not impose a uniform scale of public policy or public security values: member States enjoy considerable discretion, acting within the parameters set by the EU Treaties, applied where relevant by the EEA agreement, to define their own standards of public policy and public security, for purposes tailored to their individual contexts, from time to time.

Application of paragraph 1 to the United Kingdom

2. An EEA national or the family member of an EEA national having extensive familial and societal links with persons of the same nationality or language does not amount to integration in the United Kingdom; a significant degree of wider cultural and societal integration must be present before a person may be regarded as integrated in the United Kingdom.

3. Where an EEA national or the family member of an EEA national has received a custodial sentence, or is a persistent offender, the longer the sentence, or the more numerous the convictions, the greater the likelihood that the individual's continued presence in the United Kingdom represents a genuine, present and sufficiently serious threat affecting of the fundamental interests of society.

4. Little weight is to be attached to the integration of an EEA national or the family member of an EEA national within the United Kingdom if the alleged integrating links were formed at or around the same time as—

- (a) the commission of a criminal offence;
- (b) an act otherwise affecting the fundamental interests of society;
- (c) the EEA national or family member of an EEA national was in custody.

5. The removal from the United Kingdom of an EEA national or the family member of an EEA national who is able to provide substantive evidence of not demonstrating a threat (for example, through demonstrating that the EEA national or the family member of an EEA national has successfully reformed or rehabilitated) is less likely to be proportionate.

6. It is consistent with public policy and public security requirements in the United Kingdom that EEA decisions may be taken in order to refuse, terminate or withdraw any right otherwise conferred by these Regulations in the case of abuse of rights or fraud, including—

- (a) entering, attempting to enter or assisting another person to enter or to attempt to enter, a marriage, civil partnership or durable partnership of convenience; or

- (b) fraudulently obtaining or attempting to obtain, or assisting another to obtain or to attempt to obtain, a right to reside under these Regulations.

The fundamental interests of society

7. For the purposes of these Regulations, the fundamental interests of society in the United Kingdom include—

- (a) preventing unlawful immigration and abuse of the immigration laws, and maintaining the integrity and effectiveness of the immigration control system (including under these Regulations) and of the Common Travel Area;
- (b) maintaining public order;
- (c) preventing social harm;
- (d) preventing the evasion of taxes and duties;
- (e) protecting public services;
- (f) excluding or removing an EEA national or family member of an EEA national with a conviction (including where the conduct of that person is likely to cause, or has in fact caused, public offence) and maintaining public confidence in the ability of the relevant authorities to take such action;
- (g) tackling offences likely to cause harm to society where an immediate or direct victim may be difficult to identify but where there is wider societal harm (such as offences related to the misuse of drugs or crime with a cross-border dimension as mentioned in Article 83(1) of the Treaty on the Functioning of the European Union);
- (h) combating the effects of persistent offending (particularly in relation to offences, which if taken in isolation, may otherwise be unlikely to meet the requirements of regulation 27);
- (i) protecting the rights and freedoms of others, particularly from exploitation and trafficking;
- (j) protecting the public;
- (k) acting in the best interests of a child (including where doing so entails refusing a child admission to the United Kingdom, or otherwise taking an EEA decision against a child);
- (l) countering terrorism and extremism and protecting shared values.

8. Other applicable legal principles are:

- (a) Date of assessment is date of appeal, burden of proof rests on SSHD and standard is balance of probabilities: Arranz (EEA Regulations - deportation - test) [2017] UKUT 00294 (IAC).
- (b) Focus should be on the propensity of the individual to re-offend rather than issues of deterrence or public revulsion, which have no part to play in assessment save in exceptionally serious cases: SSHD v Straszewski and Kersys [2015] EWCA Civ 1245
- (c) Genuine threat must be established - deportation not to be used as further punishment; The fact that the appellant continues to deny guilt is a relevant factor in forward looking assessment: Kamki v The Secretary of State for the Home Department [2017] EWCA Civ 1715 (31 October 2017) at [7] and [39]

Discussion

- 9.** In terms of the offences it is noted the appellant was convicted of battery on the 28 November 2018 and has a further conviction for a violent offence of assault occasioning actual bodily harm on the 28 October 2019, which led to 6 month period of imprisonment and the making of the restraining order.
- 10.** The fact the Magistrates Court made a restraining order is of importance. As noted in the error of law finding at [16] and [17]:
 - 16. *“...Following the implementation of section 12 of the Domestic Violence, Crime and Victims Act 2004, restraining orders may be made on conviction or acquittal for any criminal offence. These orders are intended to be preventative and protective. The guiding principle is that there must be a need for the order to protect a person or persons.*
 - 17. *In this case the Magistrates Court clearly considered an order was necessary to protect the victim of the assault. It was also considered from the evidence that it was necessary for that order to continue for the specified period to 26 October 2021. Such orders cannot be made unless justified based upon the evidence. Therefore both at the date of the hearing and date of promulgation an order was in force that was deemed necessary to protect the victim of his previous assault from further violent attacks or any other form of harassment by him.*
- 11.** It is not disputed that the appellant committed more than one violent crime which demonstrated increasing seriousness. There is merit in the submission from Mr Williams that when he asked the appellant in cross examination about the offending there was a clear attempt to downplay the importance of the same.
- 12.** The appellant claimed that his first conviction occurred when he allegedly came home to find his ex-wife in bed with another person and he lost his temper. The appellant’s explanation of the second conviction, the offence of battery, is that he had an argument with his partner, that a neighbour became involved, and that he smashed his phone as a result of which he was arrested and put in prison.

- 13.** As Mr Williams indicated in his submissions, it would be unlikely that the appellant would have been arrested, charged, and convicted of assault occasioning actual bodily harm if all he had done was to smash his own mobile phone.
- 14.** Mr Williams referred the appellant to the fact that in addition to the physical assaults he took photographs of one of his victims as well as entering the room in possession of a knife. This related to the first offence. The appellant denied taking a knife into the room but claimed there was a knife there which he picked up allegedly to protect himself. When the appellant was asked again about the photographs he took of his victim he claimed he could not recall what he had done, which I find supports the submission of evasion.
- 15.** What was accepted was that the appellant had committed two offences against two women with whom he was in a relationship.
- 16.** The appellant also admitted that he had not done anything way of seeking professional assistance to deal with his anger management issues, claiming that he had devised his own way of dealing with such matters.
- 17.** A lot of research has gone into trying to identify characteristics of those who undertake domestic abuse which can include extreme jealousy, possessiveness, unpredictability, a bad temper or mood swings, controlling behaviour, threatening, demeaning or humiliating the victim, sabotaging the victim's ability to make personal choices, rigid beliefs about roles of men and women in relationships, or cruelty to animals. The appellant clearly has a bad temper that he has done nothing to deal with by way of seeking professional input. It is not disputed that unchecked anger can lead to aggressive behaviour which I find is the likely scenario which led to the appellant's offending.
- 18.** Had the appellant sought professional input, beyond the short course attended in prison, he could have benefited from cognitive behavioural intervention which research has shown can be effective for improving anger management as they attempt to change the way an individual thinks and behaves based on the notion that thoughts, feelings, and behaviours, are all connected.
- 19.** It is clear from the written and oral evidence provided by the appellant that he was unable to properly identify the triggers leading to his loss of temper or that, even if he has such insight, he lacks any understanding of the need to evaluate his anger and to consider what appropriate action to take in a situation where he feels he is losing his temper. The two offences in question clearly show that such evaluation did not occur as, had the appellant done so, it is unlikely the offences would have been committed or the appellant attempted to humiliate his victim by taking the photographs of her.
- 20.** There is insufficient evidence to show the appellant has an ability to recognise the warning signs or therefore to have the opportunity to take immediate action to prevent his offending actions. It is not made out the appellant was unable to step away from the scenarios that he refers to at the time of the key offences or that the appellant has

developed coping strategies enabling him to manage his thoughts if angry thoughts arise that fuel his anger in the future.

- 21.** I am not satisfied that the reassurances the appellant tried to give regarding his future behaviour is sufficient. The appellant clearly has an anger management issue, has committed serious offences involving violence to others in the past, and I find the Secretary of State has established a real risk of the appellant committing further violent crimes in the future, sufficient to cause injury to his victims, with no thought the consequence of his actions, if he finds himself in a situation in which he loses his temper. I find the Secretary of State has established real risk of reoffending and the appellant continuing to pose a risk of harm to the public or a section of the public sufficient to warrant his deportation. This was clearly the concern of the Magistrates Court when imposing a restraining order upon the appellant and I find it is a scenario that still exists at the date of this hearing.
- 22.** It is, however, not the end of the issue. As noted above, there are a number of other factors that need to be considered.
- 23.** The decision to deport is clearly based exclusively on the personal conduct of the appellant and the propensity to reoffend. I find that personal conduct does represent a genuine, present and sufficiently serious threat to one of the fundamental interests of society, namely the avoidance of violent crime. I accept that whilst the deportation proceedings are pending the appellant is able to demonstrate he has not offended since the offence for which he was convicted of assault occasioning actual bodily harm, but the threat does not need to be imminent. I find it remains real.
- 24.** Matters isolated from the particular facts which relate to prevention have not been factored into the assessment of real risk and nor has it been found that the previous convictions in themselves justify the decision although they are relevant to setting out the appellant's immigration history.
- 25.** There is clearly a preventative element in this appeal in light of the real risk faced by those the appellant targets in the event that he loses his temper, to date females with whom he has been in a relationship.
- 26.** In assessing the proportionality of the decision, it is necessary to consider Schedule one of the regulations which is set out above.
- 27.** The appellant entered the United Kingdom on 13 March 2013, has a relationship with his partner Ana who gave evidence on his behalf, as well as having his father in the UK. It is not disputed the appellant has extensive familial and societal links with fellow Romanian nationals, but paragraph 2 of Schedule one specifically provides that such links do not amount to integration in the United Kingdom as a significant degree of wider cultural and societal integration must be present before a person may be regarded as integrated in the UK. The appellant demonstrated a lack of integration by his offending, including breach of community orders imposed earlier, which shows disrespect for the laws of the United Kingdom.

28. At [35] of the deportation decision it is written:

35. It is not accepted that you are socially and culturally integrated in the United Kingdom. This is because you have provided no evidence that you make any positive contribution to society to the community of the United Kingdom. There is insufficient evidence of continuous lawful employment in the UK or continuous residence. You have committed offences in the UK. You have spent time in prison and were excluded from society and it is considered you present a risk of harm and a risk of reoffending to the public of the UK. It is not accepted that there would be very significant obstacles to your integration into the country to which it is proposed to deport you, this is because you spent your youth and formative years there, you speak the language and it is the country of your heritage where it is considered you have family and will still have significant knowledge of and links to Romania. Therefore, it is not considered unreasonable to expect you to readjust to life on your return with the support of any family members there. Furthermore, there is no evidence or reason apparent why you would not be able to re-establish a life on return to Romania.

29. Notwithstanding the appellant being aware of the concerns regarding the lack of evidence of integration in the decision to make a deportation order letter of 31 December 2019, the appellant has failed to provide sufficient evidence to establish that he is integrated into the UK to the degree that he claims. There is some element of integration but not significant.

30. Paragraph 3 of schedule one referring to the nature of the sentence, nature of offences and the greater likelihood an individuals continuous presence will represent a genuine present and sufficiently serious threat, but that adds little to the assessment as it has already been found that it is the appellant's profile characteristics and credible real risk that creates the genuine present and sufficiently serious threat that he poses to a fundamental interests of society.

31. In relation to paragraph 4 of schedule one, this refers the little weight being attached to the integration of the EEA national family member if it is alleged that such links were formed around the same time as the appellant's offending. The appellant partner, Ana indicated they had known each other for six or seven years the evidence indicating the relationship would have been formed during the course of the appellant's period of offending.

32. Paragraph 5 of schedule one specifically provides that if an individual can provide substantive evidence of not demonstrating a threat, by way of successful reformation or rehabilitation, removal is less likely to be proportionate, but the appellant has not provided such evidence.

33. Paragraph 7 of schedule one refers to the fundamental interests of society which include maintaining public order, preventing social harm, excluding or removing EEA national family member of an EEA national with a conviction and maintaining public confidence in the ability of the relevant authorities to take action, tackling offence is likely to cause harm to society and combating the effects of persistent offending. They are all applicable to this appeal.

34. In relation to the appellant's family situations as stated, he lives with his partner Ana and their son. The appellant claims he has no one to

return to in Romania as his father lives with him in the United Kingdom. The appellant's partner is Romanian. The appellant claim she came to the UK aged 14 or 15. Their son is aged four years five months and holds a Romanian passport. The appellant confirmed his partner's family live in Romania, that he and his partner worked in the UK, and family members work in Romania. When the appellant was asked whether the family in Romania would be able to help him find work he claimed he was not sure.

- 35.** The appellant confirmed both he and his partner speak Romanian, but he claimed he had no one there, no house and asked what he would do if he was returned.
- 36.** The appellant confirmed his partner had returned to Romania during the last few years for a visit when she stayed with family. When asked by Mr Williams whether there was any reason why he could not go to stay with that family until he was able to re-establish himself he claimed he did not know.
- 37.** When Ana gave her evidence there was some discussion, not in detail, about the relationship but that could not be explored to any great depth. Ana confirmed that the appellant had not been violent to her and that if he became cross it was a matter they resolved privately within the family.
- 38.** Ana confirmed they had been together 6-7 years and that the appellant not spoken to anybody outside the family concerning his anger management.
- 39.** In relation to the impact of deportation Ana confirmed the appellant had no family in Romania, that she has a job in the United Kingdom, and that their son is starting school soon, in September 2022. When asked whether if the appellant was deported she would go back with him or stay in the United Kingdom she replied that she did not know how to answer that question.
- 40.** Ana has a health issue regarding her eyes for which she applies a cream/ointment.
- 41.** Ana confirmed that she had returned to Romania a few times when she stays with her family and when asked whether if the appellant was deported to Romania he could stay with her family she referred to her mother father and brother being in the property although when asked where she herself stayed when she went back to Romania, the reply did not indicate there was not suitable accommodation that she occupied on return; which the appellant could not occupy if her family were willing to offer him a bed whilst he re-established himself.
- 42.** Ana confirmed the issue of returned to Romania was "difficult" as her life is currently in the UK with nothing in Romania and that her son would not know what it was like at school and would have to adjust to living in a strange country.
- 43.** Whilst the sentiments conveyed by Ana in her evidence are understandable she is a Romanian national, Romanian speaker, with family and strong connections to that country.
- 44.** I have also considered the letters of support for the appellant in his appeal bundle.

- 45.** In assessing the proportionality of the decision to deport the appellant, it is clear that the appellant's offending increased in severity over time and the nature of the convictions is as recorded above. It is clear that a serious offence involving a fiancé or former partner occurred and that there is merit in the submission by Mr Williams of the appellant attempting to downplay the severity of his offending.
- 46.** At [79] of the decision of the First-tier Tribunal it was recorded:
79. There is little information which the respondent has provided with regards to the background circumstances to the 2019 conviction for assault occasioning actual bodily harm. Further information can be found in a letter from probation services relied upon by the appellant. The letter is dated 7 January 2021. It was written by Alison Mulvaney, case manager for Derbyshire, Leicestershire, Nottinghamshire and Rutland Probation Services. The letters contained is at pages 10 - 11 of the appellant's bundle. I note that in the opening paragraph to the letter it states that the appellant was sentenced to a period of six months custody in October 2019. The court stated this was because, "*... The offence was aggravated by being committed whilst subject to a community sentence, because the offence was aggravated by the defendant's record of previous offending, serious breach of trust, he entered IP's room and behaved in an appalling manner, produced a knife and humiliated her by taking photographs of her.*"
- 47.** I note the appellant has accepted he had a problem in the past when he committed the offences, but the evidence suggests that problem still exists, as it is part of personality/his psychological make up, and he has not done anything to deal with it so far as anger management issues are concerned. There are specific anger management and domestic violence programs, but the appellant has not chosen to make use of the same.
- 48.** In terms the proportionality of the decision, the appellant is in good health, there is no evidence that he would not be able to settle in Romania either on his own or with Ana. All the family are Romanian citizens, it has not been made out that there is an absence of healthcare within Romania that could not meet the needs of any family member who required the same, it was not made out the child who is a Romanian citizen could not adapt, or that employment was not available to the family in Romania. The appellant has stayed with Ana's family and it is not made out that accommodation would be denied to them. The child starts compulsory education in September 2022 indicating that there is a natural break in his education which does not establish any adverse reaction. The best interests of the child are clearly to stay with his parents.
- 49.** In terms of a rehabilitation, the appellant has not sought to rehabilitate himself by seeking professional assistance in the United Kingdom. It is not made out that any services he may require are not available or equally effective in Romania, if he sought their assistance. As noted above, there is insufficient evidence of significant integration into the community of the UK, and whatever his personal circumstances are they have not been sufficient to prevent his offending behaviour.

- 50.** If Ana returns to Romania with the appellant their family life can continue as it has before. I have recorded her response to a specific question concerning this matter above and it was not appropriate to press her further in the circumstances of the hearing. I find there is insufficient evidence to warrant a finding that she cannot return to Romania, a country with which she is familiar and where her family live. When she does is a matter of choice for Ana.
- 51.** I find considering all the competing aspects of this appeal that the Secretary of State has established that it is lawful and proportionate for the appellant to be deported from the United Kingdom. The appellant has failed to establish very compelling circumstances when all the matters he relies upon are considered in the round, sufficient to warrant a finding that his removal is disproportionate.
- 52.** On that basis I dismiss the appeal.

Decision

53. I dismiss the appeal.

Anonymity.

54. The First-tier Tribunal made no order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

I make no such order pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008.

Signed.....
Upper Tribunal Judge Hanson

Dated 11 August 2022