



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

Appeal Number: DA/00411/2015

THE IMMIGRATION ACTS

Heard at Field House

Decision and Reasons

On 13 November 2015

Promulgated

On 17 November 2015

Before

UPPER TRIBUNAL JUDGE ESHUN

Between

MR PAVELS ROZKOVŠ

and

Appellant

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: In person

For the Respondent: Mr. S Staunton, HOPO

DECISION ON ERROR OF LAW

1. The appellant is a citizen of Latvia, born on 2 July 1971. On 21 September 2015 the respondent decided to make a deportation order against him by virtue of Section 5(1) of the Immigration Act 1971. His appeal was heard by First-tier Tribunal Judge Clemes and dismissed.
2. I find that the judge's determination of the appeal in the absence of the appellant at the hearing on 25 September 2015 was procedurally unfair. It was patently obvious to me that the appellant barely spoke English. He said he requested a Russian interpreter in his application for bail but none was provided at the bail hearing on 16 September 2015. Consequently, he

would not have understood much of what was said at the bail hearing. Furthermore, he did not receive the Notice of Hearing which had been sent to him at the detention centre on 11 September 2015, prior to the bail hearing. He was not served with a further Notice of Hearing at his bail address.

3. For these reasons the judge's decision is set aside and the appellant's appeal has to be re-heard.
4. The appeal is remitted to Hatton Cross for re-hearing by a First-tier Tribunal Judge other than FtTJ Clemes.

Signed
Upper Tribunal Judge Eshun

Date: 13 November 2015