



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

Appeal Number: DA/00413/2017

THE IMMIGRATION ACTS

**Determined at Royal Courts of Justice,
Belfast
On: 26 November 2018**

**Decision & Reasons
Promulgated
On: 30 November 2018**

Before

UPPER TRIBUNAL JUDGE RINTOUL

Between

EGILS DOMBROSKIS

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

Respondent

DECISION AND REASONS

1. The appellant appeals with permission against the decision of First-tier Tribunal Judge Farrelly, promulgated on 18 July 2018, dismissing his appeal against the decision to deport him made on 13 July 2017. Permission to appeal was granted on 20 August 2018.
2. The respondent has subsequently responded to the grounds of appeal, conceding that the decision of the First-tier Tribunal involved the making of an error of law capable of affecting the outcome, and that it should be remitted to the First-tier Tribunal to be remade in its entirety. Having considered the respondent's concessions, I agree with them; there are a number of errors in the decision, as identified by the grounds and in the respondent's letter which show that the decision did involve the making of an error of law.
3. In the circumstances, I am satisfied that the decision of the First-tier Tribunal involved the making of an error of law and I set it aside. I am

satisfied also that as the errors involved a failure properly to adjourn the case, and the application of an incorrect approach to proportionality, as well as to the fact-finding in respect of the child, that none of the findings of fact could be sustained; the decision will need to be remade in its entirety and thus it is appropriate to remit it to the First-tier Tribunal for a fresh decision on all matters.

SUMMARY OF CONCLUSIONS

1. The decision of the First-tier Tribunal did involve the making of an error of law, and I set it aside.
2. I remit the appeal to the First-tier Tribunal for a fresh decision on all issues.
3. The hearing on 28 November 2018 is vacated.

Signed

Date: 26 November 2018

A handwritten signature in black ink, appearing to read 'Jeremy Rintoul', written in a cursive style.

Upper Tribunal Judge Rintoul