



**Upper Tribunal  
(Immigration and Asylum Chamber)  
EA/03313/2015**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 22 November 2017**

**Decision & Reasons  
Promulgated  
On 4 December 2017**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE HILL QC**

**Between**

**MR FABIO PETER JOHN FERNANDES  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: No appearance or representation  
For the Respondent: Mr P Duffy, Home Office Presenting Officer

**DECISION AND REASONS**

1. This is an appeal from a decision of First-tier Tribunal Judge Chowdhury, promulgated on 16 February of 2017. As is immediately apparent on the face of the decision, the appellant did not appear and was not represented. The determination is very brief and comes to the conclusion that there was no evidence before the Tribunal that the appellant was exercising treaty rights under the EEA Regulations of 2006 notwithstanding assertions in the documentation that the appellant may have been working on a cash in hand basis.



will place him at a significant disadvantage if he simply proposes to rely on documentation and have the matter dealt with administratively.

8. The appellant is strongly advised to appear in person (whether or not he has legal representation) on the date when this matter is listed for hearing in the First-tier Tribunal.

**Notice of Decision**

- (1)The appeal is allowed and the decision of the First-tier Tribunal is set aside.
- (2)The matter is remitted to the First-tier Tribunal to be heard afresh by a judge other than by Judge Chowdhury.
- (3)All future correspondence for the appellant should be addressed to:

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[ ],  
[ ]  
[ ]

- (4)The appellant is strongly advised to attend the hearing in the First-tier Tribunal.

No anonymity direction is made.

Signed *Mark Hill* Date 4 December 2017

Deputy Upper Tribunal Judge Hill QC