



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: DA/00697/2018

THE IMMIGRATION ACTS

Heard at Manchester Civil Justice Centre
On 2 August 2019

Decision & Reasons Promulgated
On 09 August 2019

Before

UPPER TRIBUNAL JUDGE LANE

Between

ADRIAN EDWIN DRYGIEL
(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 McVeety, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant was born on 10 April 1996 and is a male citizen of Poland. He came to the United Kingdom when he was 12 years old in July 2008. He was cautioned for common assault on 30 March 2014 and, at Mold Crown Court on 12 June 2008, he was convicted of burglary and sentenced to 12 months imprisonment and ordered to pay a victim surcharge of £140. By a decision dated 10 October 2018, the Secretary of State decided to deport the appellant subject to section 5(1) of the Immigration Act 1971. The appellant appealed to the First-tier Tribunal which, in a decision

promulgated on 14 February 2019, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.

2. The grant permission is problematic. In parts, it is barely intelligible. It appears to make little, if any, reference at all to the grounds of appeal in a manifest failure to follow the guidance of *AZ (error of law: jurisdiction; PTA practice) Iran* [2018] UKUT 245 (IAC).
3. The suggestion in the grant of permission that the appellant should have been treated as a vulnerable witness is without any foundation whatever. It is the case that the appellant was not legally represented both before the First-tier Tribunal and the Upper Tribunal. However, the appellant presented as an intelligent young man who plainly had a thorough grasp of the proceedings in which he was involved. He cannot legitimately be described as vulnerable in any way at all. Indeed, before me he made no complaint whatever of the conduct of the First-tier Tribunal or, indeed, any reference to the grant of permission.
4. The grounds themselves make a number of points, none of which possess arguable merit. First, the appellant complains that the judge made a factual error by finding [49] that the appellant had denied the offence of burglary. The judge made no such error. The judge was aware from the papers that the appellant had changed his plea from not guilty to guilty. Secondly, the grounds discuss the appellant's risk of reoffending. Nothing the judge has said contradicts the evidence before him. The appellant claims that his circumstances have altered but, as I explained to the appellant at the initial hearing, post-hearing developments in his circumstances cannot constitute an error of law in the First-tier Tribunal decision. He openly acknowledged that that was the case. Likewise, what the grounds say regarding the appellant's relationship with his girlfriend were duly addressed by the judge in his findings at [48] *et seq.* Nothing arising from that relationship is capable of giving rise to an arguable appeal on human rights grounds. The judge recorded that the girlfriend and the appellant's mother did not attend the hearing to give evidence [55]. The question of the appellant's mother's medical condition appears to have been raised for the first time in the grounds to the Upper Tribunal. It was not before the First-tier Tribunal. It is difficult to see how, therefore, that question may be relevant in deciding whether there is an error of law in the First-tier Tribunal's decision. In any event, the grounds do not explain how the mother's condition should prevent the appellant's deportation.
5. In conclusion, there is nothing in the First-tier Tribunal decision which indicates that the judge has erred in law. The appellant does not dispute the judge's finding that he had not exercised Treaty Rights for a period of five years [52]. The judge's conclusion that the appellant's deportation is justified on serious grounds of public policy or public security was, on the facts as he found them, unimpeachable. The appellant told me that his grandmother has recently died. The judge found at [54] that the appellant would be able to return to live with his grandmother in Poland. That finding was unarguably sound at the time it was made. In any event, given the appellant's evident capabilities, there is no reason at all to suppose that he would not

integrate into Polish society should he have to do so without the assistance of family members living there.

6. In the circumstances, the appeal is dismissed.

7. **Notice of Decision**

This appeal is dismissed.

Signed

Date 2 August 2019

Upper Tribunal Judge Lane