



**Upper Tribunal
(Immigration and Asylum Chamber)
DA/00095/2018**

Appeal number:

THE IMMIGRATION ACTS

**Heard at Glasgow
on 4 January 2019**

**Decision & Reasons
Promulgated
on 15 January 2019**

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

ROBERT KOSTRZEWA

Respondent

Representation:

For the Appellant: Mr G Rea, of Rea Law, Solicitors

For the Respondent: Mr A Govan, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. Parties are as above, but the rest of this decision refers to them as they were in the FtT.
2. The SSHD has permission to appeal against a decision by FtT Judge P A Grant-Hutchison, promulgated on 3 August 2018, allowing the appellant's appeal against deportation under the Immigration (EEA) Regulations 2016.
3. The grounds firstly challenge the adequacy of reasoning for the finding at [20] that the appellant does not present "a genuine, present and sufficiently serious threat to society". Mr Govan acknowledged that the judge does mention 3 matters - the offending being at the "lower end of the scale"; a good work record, having a "rehabilitative quality"; and the appellant's stable relationship with his pregnant girlfriend. He said that the judge did not explain why any of these exclude a threat, and that they do not necessarily do so.

4. None of those matters show that the appellant will not offend again; but they all rationally tend to lessen any threat. The grounds look for “reasons for reasons”. They do not show that the explanation given is less than legally adequate.
5. The grounds secondly challenge the proportionality assessment, but, as Mr Govan accepted, that only becomes relevant if the first challenge were to succeed.
6. The grounds do not rise above insistence and disagreement. They do not show that the decision of the FtT involved the making of any error on a point of law.
7. The decision of the First-tier Tribunal shall stand.
8. No anonymity direction has been requested or made.

A handwritten signature in black ink, appearing to read "Hugh Macleman". The signature is written in a cursive style with a large, stylized initial 'H'.

4 January 2019
UT Judge Macleman