



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

Appeal Number: DA/02054/2014

THE IMMIGRATION ACTS

No hearing

**Decision and Reasons
Promulgated**

On 6 April 2016

On 15 April 2016

Before

MR C M G OCKELTON, VICE PRESIDENT

Between

KANINI AFRIKANO

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DETERMINATION AND REASONS

1. The appellant, a national of Portugal, was deported from the United Kingdom on or about 3 May 2015. She has provided no address for service of notice of a hearing. This is accordingly a suitable case for determination without a hearing. This decision is to be sent to the appellant's last known address in the United Kingdom and to any authority having care of any of her children.
2. The appellant appealed to the First-tier Tribunal against the decision to deport her. Her appeal was dismissed by Judge David Clapham SSC. Permission to appeal was granted, on an out-of-time application, by Judge

White. The Secretary of State replied under Rule 24. There has been no further response from the appellant.

3. The grounds on which permission to appeal was granted were two-fold. The first ground was that Judge Clapham had failed to appreciate that the appellant was entitled to the heightened protection attributable to a person who had been in the United Kingdom for 10 years. That is not a ground pleaded, and it is, on the facts, not arguable.
4. The second ground was that it was arguable that the judge was wrong to find that the appellant is a present threat, given the evidence that she had committed no further offences and that there was no evidence of a note of further offences.
5. This was a matter of assessment for the judge. It is clear that he considered the material before him, including that to which the grounds refer: see [49] - [52] of his decision in particular. In my judgment his assessment discloses no error of law.
6. The appellant's appeal is dismissed.

C. M. G. OCKELTON
VICE PRESIDENT OF THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER
Date: 6 April 2016