



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM
CHAMBER

Case No: UI-2022-003691
First-tier Tribunal No:
EA/00553/2022

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On 4 January 2024

Before

UPPER TRIBUNAL JUDGE NORTON-TAYLOR

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

TIAGO CALIXTO DA SILVA

(ANONYMITY DIRECTION NOT MADE)

Respondent

Decided without a hearing at Field House

DECISION PURSUANT TO RULE 39 OF THE TRIBUNAL PROCEDURE)
RULES 2008

1. This appeal has been pending in the Upper Tribunal for some time. It was stayed awaiting the Court of Appeal's judgment in Celik v SSHD [2023] EWCA Civ 921, handed down on 31 July 2023.
2. By a signed consent order received by the Upper Tribunal on 18 December 2023, the parties have agreed to the following course of action:
 - (a) For the Upper Tribunal to set aside the decision of the First-tier Tribunal on the basis that it erred in law;
 - (b) For the Upper Tribunal to go on and re-make the decision in this case by summarily dismissing Mr Da Silva's appeal against the Secretary of State's refusal of his EUSS application.
3. Having reviewed the case, the terms of the consent order are appropriate and I proceed to follow the proposed course of action.

Notice of Decision

The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.

I exercise my discretion under section 12(2)(a) of the Tribunals, Courts and Enforcement Act 2007 and set aside the decision of the First-tier Tribunal.

I re-make the decision by dismissing Mr Da Silva's appeal against the Secretary of State's refusal of his EUSS application.

H Norton-Taylor
Judge of the Upper Tribunal
Immigration and Asylum Chamber
Dated: 19/12/2023