



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

Appeal no: **EA/06502/2017**

THE IMMIGRATION ACTS

At **Field House**
On **04.03.2019**

**Decision & Reasons Promulgated
On 14.03.2019**

Before:

Upper Tribunal Judge
John FREEMAN

Between:

Jacqueline Mercedes PARKES

appellant

and

Secretary of State for the Home Department

respondent

Representation:

For the appellant: Mrs M Atacha (working under the supervision of James P Dean, direct access barrister)

For the respondent: Mr P Duffy

DETERMINATION AND REASONS

This is an appeal, by the appellant, against the decision of the First-tier Tribunal (Judge Michael Roots), sitting at Hatton Cross on 8 November 2018, to dismiss for lack of jurisdiction an appeal by a citizen of Jamaica, born 1965. The appellant had been here from 2010 – 15 on an EEA residence card, so the decision under appeal, once that no longer applied, was to remove her under s. 10 of the Immigration and Asylum Act 1999,


NOTE: (1) *no anonymity direction made at first instance will continue, unless extended by me.*
(2) *persons under 18 are referred to by initials, and must not be further identified.*

giving her a right of appeal under reg. 36 of the [Immigration \(European Economic Area\) Regulations 2016](#).

2. When the appeal came before the judge, both sides had persuaded themselves, and him, that it had been premature, since the refusal letter was not sent till 19 July 2018. However the notice of decision was served on the 6th, and the notice of appeal was validly given on the 8th: the refusal letter does no more than give reasons for the decision already served.
3. It follows that the appellant is entitled to the first-tier hearing she never had, before any judge, including Judge Roots.

Appeal allowed:: decision set aside

Fresh hearing in First-tier Tribunal at Hatton Cross

A handwritten signature in black ink, appearing to be 'JLR', written in a cursive style.

(a judge of the Upper Tribunal)

04 March 2019