



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

Appeal Number: DA/01268/2014

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 14<sup>th</sup> January 2015**

**Determination  
Promulgated  
On 11<sup>th</sup> February 2015**

**Before**

**UPPER TRIBUNAL JUDGE D E TAYLOR**

**Between**

**DISIMUA TUKIMONA**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: In person

For the Respondent: Mrs A Holmes, Home Office Presenting Officer

**DECISION AND DIRECTIONS**

1. This is the Appellant's appeal against the decision of Judge Phillips made following a hearing at Kingston on 1<sup>st</sup> October 2014.
2. The Appellant appeals against the Respondent's decision of 29<sup>th</sup> May 2014 to make him the subject of a deportation order by virtue of Section 32(5) of the UK Borders Act 2007.

3. The Appellant did not appear at the hearing. The judge dismissed the Appellant's appeal and said that there was no explanation for his failure to attend.
4. The Appellant challenges the judge's decision on the basis that he was not given proper notice of hearing.
5. As realistically conceded by the Respondent's representative, the hearing notice had gone to Maidstone Prison but, by the date of the notice, the Appellant had been transferred to a detention centre.
6. Since the hearing notice went to the wrong address and the Appellant did not in fact receive it, although this is a full and well-reasoned determination I am satisfied that it ought to be set aside.
7. The appeal is therefore remitted to be heard before a different judge other than Judge Philips, at the Taylor House Hearing Centre. I understand it will be listed for a CMR when a final hearing date will be fixed.

Signed

Date **14<sup>th</sup> January 2015**

Upper Tribunal Judge Taylor