



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

Appeal Number: DA/01507/2014

THE IMMIGRATION ACTS

Heard at Field House

On 14 January 2016

Decision & Reasons

Promulgated

On 4 March 2016

Before

UPPER TRIBUNAL JUDGE ESHUN

Between

DONALD WAYNE BENNETT

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr. M Jaufurally

For the Respondent: Mr. S Whitwell, HOPO

DECISION ON ERROR OF LAW

1. The appellant appeals with leave against the decision of First-tier Tribunal Judge Chana dismissing his appeal against the decision of the respondent dated 3 July 2014 to issue a Deportation Order, pursuant to section 3(5)(a) of the Immigration Act 1971. The respondent concluded, following his 14 convictions for 18 offences since 2000, and having assessed his character and conduct in the round, that the appellant's deportation would be conducive to the public good.

2. The judge erred in law in applying the automatic deportation provisions under the UK Borders Act 2007 when it is clear from paragraph 1 above that this was not the basis of the respondent's decision to deport the appellant.
3. The judge's decision is materially flawed and cannot stand. I set aside the judge's decision.
4. The appellant's appeal is remitted to Taylor House for rehearing by a First-tier Judge other than FtTJ Chana.

Signed

Date

Upper Tribunal Judge Eshun