



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

Appeal Number: HU/11230/2017 (V)

THE IMMIGRATION ACTS

**Heard by Skype at Field House
On 8 July 2020**

**Decisions & Reasons Promulgated
On 30 July 2020**

Before

MR C. M. G. OCKELTON, VICE PRESIDENT

Between

LANSFORD [D]

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms J Rothwell, instructed by Danielle Cohen Immigration Law Solicitors.

For the Respondent: Ms S Cunha, Senior Home Office Presenting Officer.

DECISION AND REMITTAL

1. The appellant, a national of Jamaica, appeals, with permission, against the decision of the First-tier Tribunal (Judge Burnett) dismissing his appeal against the decision of the respondent on 21 September 2017 refusing to revoke a deportation order against him. The grounds of appeal are human rights grounds, based on his relationships in the United Kingdom.
2. The offences which led to the appellant's deportation were drugs offences between March 2001 and May 2002. He was sentenced to six years imprisonment on 15 May 2002 for possession of a Class A drug within intent to supply. Following an unsuccessful appeal the appellant was

deported to Jamaica shortly after the birth of his youngest daughter. He returned to the United Kingdom unlawfully about six weeks later, and has been in the United Kingdom ever since.

3. I can deal with this matter very shortly. At paragraph 10 of the judge's decision, after setting out the appellant's criminal record, the judge added this:

"I should note however that the appellant admitted before me at the hearing that he uses cannabis on a regular basis."

4. It was asserted in the grounds that the appellant said no such thing at the hearing and that, indeed, he has been drug-free for many years. Before me, Ms Cunha confirmed that there is no note of any such admission in the Presenting Officer's note at the hearing. She told me also that she had been in touch with the Presenting Officer, who had no recollection of the appellant having said this. There is, in addition, no mention of the matter in the judge's note of the hearing. It appears to have been a simple error.
5. The parties agreed position before me, however, was that a mistake as to whether the appellant is currently involved with drugs in any way goes to the heart of the judge's assessment of his case. I also agree. It goes to his ability to reform, his current criminality, and the influence he may have on his daughters. There appears to be no evidential support for the statement made by the judge and, as a result, his decision cannot stand. The appeal will need to be heard afresh by a different judge.
6. For the foregoing reasons, I set aside Judge Burnett's decision for error of law. I remit the appellant's appeal for hearing by the First-tier Tribunal.

C. M. G. Ockelton

C. M. G. OCKELTON
VICE PRESIDENT OF THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER
Date: 20 July 2020