



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

Appeal Number: HU/02469/2017

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 6<sup>th</sup> September 2018**

**Decision & Reasons  
Promulgated  
On 12<sup>th</sup> October 2018**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE R C CAMPBELL**

**Between**

**MR VASHISH SOHODEB  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Ms M Gherman (Counsel)

For the Respondent: Mr I Jarvis (Senior Home Office Presenting Officer)

**DECISION ON ERROR OF LAW**

1. On 2<sup>nd</sup> July 2018, the appellant was given permission to appeal against the decision of First-tier Tribunal Judge N M K Lawrence ("the judge"), dismissing his appeal against refusal of his human rights claim.

2. Mr Jarvis said that there were difficulties in the decision with the starting point in the analysis. It appeared that the judge failed to begin with the appellant's ties to the United Kingdom in relation to private life and family life. In issue was whether there had been a proper assessment of obstacles to family life continuing abroad or very compelling circumstances in the case. Overall, there may have been a mistaken starting point.
3. Ms Gherman formally adopted the grounds. The family life ties in particular were not properly assessed and there were inadequate findings of fact.
4. Having read the decision, the grounds of application and the grant of permission carefully, and having taken into account the brief submissions, I conclude that the decision contains a material error of law. The findings and conclusions appear in paragraphs 13 to 21. The judge found that the appellant could continue to enjoy family life abroad and continue his studies after removal but there is insufficient anterior reasoning to fully explain how the judge reached his conclusion.
5. The decision of the First-tier Tribunal contains a material error of law and must be set aside and remade. The decision will be remade in the First-tier Tribunal, de novo, in the light of the substantial findings of fact that will be required, particularly concerning family life. The decision will be remade at Hatton Cross before a judge other than First-tier Tribunal Judge N M K Lawrence.

### **Notice of Decision**

The decision of the First-tier Tribunal promulgated on 17<sup>th</sup> May 2018 is set aside. It will be remade in the First-tier Tribunal at Hatton Cross by a judge other than First-tier Tribunal Judge N M K Lawrence, on the first available date.

Signed

Date

Deputy Upper Tribunal Judge R C Campbell

### **Anonymity**

There has been no application for anonymity in these proceedings and I make no order or direction on this occasion.

Signed

Date

Deputy Upper Tribunal Judge R C Campbell