



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

Appeal Number: IA/23458/2013

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 29<sup>th</sup> September 2014**

**Determination  
Promulgated  
On 7<sup>th</sup> November 2014**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE RIMINGTON**

**Between**

**Mr Vyacheslav Ovdyyenko  
(NO Anonymity Direction Made)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr Bazini, instructed by Gulbenkian Andonian Solicitors  
For the Respondent: Mr Melvin, Home Office Presenting Officer

**DECISION AND REASONS**

1. At the hearing before me Mr Bazini submitted that one of the witnesses for the appellant had been taken to hospital and would be unable to attend. Mr Melvin did not challenge an adjournment.
2. Mr Bazini accepted that the IS 151 notice had been served on the appellant in 1998. He now submitted that the evidence disclosed that

the appellant had a relationship within the UK with Ms Galitcki which was not previously argued.

3. Having found an error of law in the First Tier Tribunal determination the matter is remitted to the First Tier Tribunal in accordance with Practice Direction 7.2(b) of the Presidential Practice Statement dated 25 September 2012. Having regard to the nature and extent of the judicial fact finding necessary in order for the decision in the appeal to be re-made in the light of the overriding objective in rule 2, it is appropriate to remit the case to the First-tier Tribunal.

Signed

Date 29th September 2014

Deputy Upper Tribunal Judge Rimington