

PART 4

QUESTION 14

Answer: Stage 1 Deportation Particular is an official order from the Home Office addressed towards an individual signaling their will to exile an individual from the UK. It is the first step in the process of deportation and acts as a precursor to the completion and issue of a formal deportation order.

The Stage 1 Deportation Notice has led Kachi to a dilemma, and he is now required to take action and make a well thought-out decision about his course of action. Evaluation of the alleged reasons, judgment on legality of the decision, and definition of the possibilities to challenge or to turn against the deportation is among the tasks.

Kachi is advised to seek legal help now and knowledge of his rights and options concerning the Stage 1 Deportation Notice will be beneficial. As such, he may have to submit representations to Home Office prepare the Home Office with his reasons why he is not eligible for deportation, any evidence plus mitigating factors about his case. Furthermore, he should adhere to the deadlines that are stipulated in the notice and keep in touch regularly with his lawyer. The lawyer should regularly update him on any ongoing cases.

QUESTION 15

Answer: The Home Office could try to remove Kachi under these provisions in the Immigration Act 1971 and updates to it. First, paragraph 3(5)(a) of the Immigration Act 1971 grants the Secretary of State the powers to issue a deportation order against any individual that the removal of whom is believed to be advantageous to the public interest.

For Kachi, the assumption falls on Section 3(5)(a) of the Immigration Act 1971 as the statutory basis for the Home Office to seek his expulsion. This provision enables deportation where the Secretary of State is convinced that it is necessary or justifiable in the interests of the public good, giving due regard to issues such as criminality, national security, and other relevant factors.

Moreover, the Immigration Rules incorporate supplementary information on the grounds of deportation such as the provisions of criminal offence and public good. By employing

aggravated vehicle-taking and the failure to stop at a scene of an occurrence as grounds for deportation under the Immigration Law, particularly where the actions of an individual may be viewed as a danger to public safety or the interests of the community, the Kachi case may indeed be cited.

In essence, the legal basis of deportation comes from the Immigration Act 1971 and linked legislation that is designed to allow the Home Office to start cases for deporting individuals if they are deemed to be unwelcome into the United Kingdom or against the interests of the public.

QUESTION 16

Answer: In order to avoid being deported from the territory of European Union member states, effectively Kachi's case is based on the articles of the European Convention on Human Rights (ECHR), including Article 8, which guarantees the right to respect for private and family life. In terms of the rule of law, deportation may only be done if it will be indispensable and adequate to pursue a legitimate aim which may cover national safety and public safety.

Factual evidence that also corroborates Kachi's agreement with the UK includes his having lived in the UK since his childhood, integrating with UK society through education, employment, and community, and having a significant family relationship with his grandmother who is also a British citizen. All these elements duplicate the existence of a private life under Article 8 which would be destroyed following deportation.

We can see that Kachi's story corresponds to the stated in the decision of the R (Razgar) v Secretary of State for the Home Department [2004] UKHL 27, where the House of Lords argues that one needs to look at some aspects as length of residency, age at the time of coming, strong ties to the UK, and the potential impacts on family members if removal is to

Furthermore, Kachi can challenge deportation process with the principle of proportionality, which are among the European Convention on Human Rights and the Human Rights Act 1998 to require public authorities to consider interference on an individual right against the public interest in doing deportation. Due to the fact of Kachi's scarce criminal record, reparation efforts, and the no ongoing threat for the public, it can be viewed that deportation should be seen as too disproportional and unjustified under this legal framework.

QUESTION 17

Answer: If the groundwork for Kachi's preservation is rejected, he may remain vulnerable to deportation until a final decision on his appeal, unless the courts grant him an injunction or any interim relief. Notwithstanding this, Kachi does still enjoys a right to appeal against his order of deportation under section 82(1) of the Nationality, Immigration and Asylum Act 2002 to the First-tier Tribunal (Immigration and Asylum Chamber). The following step Kachi will undertake is to file his appeal, he will then seek for an automatic stay of deportation under Section 78(1) of the same Act. By virtue of this mechanism, the Home Office will not be allowed to take away him from the United Kingdom until his criminal appeal has been either entertained or abandoned. Therefore, it follows that unless the Tribunal rules otherwise, or Kachi either fails to comply with the rules or he voluntarily withdraws his claim, then he is allowed to stay in the UK.

QUESTION 18

Answer: In the document of Kachi's appeal witness statement we will discuss several key questions to support his case on the removal from the country. These include:

Human Rights Grounds: The major part of the campaign will be dedicated to Kachi's bringing up in UK since he was a child, his education and work history, as well as strong family ties, especially with his grandmother who is dependent on his support. Those elements evidence his right to respect for private and family life in consonance with article 8 of the European Convention on Human Rights (ECHR).

Best Interests of the Child: Taking into consideration that Kachi has a one-year-old son who is a British citizen, we will emphasize the need of maintaining a regular contact and of ensuring their relationship is meaningful for the father and the child. This is in line with child's best interest which is provided under Section 55 of the Borders, Citizenship and Immigration Act 2009 and Article 3 of the United Nations Convention on the Rights of the Child (UNCRC).

Risk of Serious Harm in Nigeria: We will submit proof of threats and perils Kachi will face if he is sent back to Nigeria with not knowing the country, having no social support networks, and fears for his personal safety and security. This evidence is brought to demonstrate the existence of a substantial risk of grave harm or persecution a person may face, thus invoking a non-refoulement principle under Article 3 of the ECHR as well as the Refugee Convention.

Impact on Grandmother: As medical evidence and statutory declarations of the steadily declining health and care needs of Kachi's grandmother will be presented, his role as her primary caregiver will be emphasized and the harmful implications of him being deported on her physical and emotional well-being shall be illustrated. This element supports the thesis dealing with the family's private life and responsibilities under the scope of Article 8 of the ECHR.

QUESTION 19

Answer: In connection with Kachi's appeal witness statement evidence, we will look for different types of evidence as well to prove his request for the claim against deportation according to legal requirements. This evidence is going to be decisive and fundamental for the participates in the legal proceedings of fighting deportation and remaining within the borders of the immigration framework. Here are the types of evidence we will aim to obtain. Here are the types of evidence we will aim to obtain:

1. **Medical Reports:** The medical reports from professional and competent health professionals will be secured and produced by us through the use of section 11 of the Immigration (EEA) Regulations, 2016. These documents will reflect treatment recommendations, diagnosis of dementia if any and the possible consequences for care of her grandmother. The medical evidence will be the critical element in providing sufficient grounds to establish the existence of compelling humanitarian circumstances under section 117B (6) of the Nationality, Immigration and Asylum Act 2002, as it requires considering the impact of deportation on the health and welfare of family members.
2. **Witness Statements:** According to the Immigration and Asylum Act of 2002, credible witness statements from people with first-hand experience of Kachi's character and contribution to community are admissible as evidence to support the immigration appeal. These statements will recount Kachi's act as a caregiver of his granny, his constructive participation in the community and his dedication to reform. The testimony will reinforce the premise that deportation will disrupt his settled personal and family life in the UK, as per the specifications of Article 8 of the European Convention on Human Right (ECHR).

3. **Educational and Employment Records:** Provided that in accordance with section 85 of the Immigration Nationality and Asylum Act 2002, documentation including training records, educational certificates, and job contracts could be used as evidence in immigration appeals against deportation. Those records evidence his process of acculturation into British society, his lawful length of service, and his attempt for the rehabilitation. They will also be used as the criteria for tracing his bonds with the UK and to assess his capability of contributing in future in line with Section 117C of the Nationality, Immigration and Asylum Act 2002, which provides the grounds for consideration of public interest in all deportation cases.
4. **Documentation of Family Relationship:** Despite his desire to protect the privacy of his mate and offspring, we will try to a certain extent to verify his familial ties and responsibilities based on the available documents, such as birth certificates or custody papers. Consequently, Kachi may use this evidence even though it does not particularly address the Home Office's queries to establish the consequences of his deportation on his family relationships and the welfare of his child as stipulated under Section 55 of the Borders, Citizenship and Immigration Act 2009.
5. **Country Guidance and Expert Reports:** In accord with Section 85 of the Nationality, Immigration and Asylum Act 2002, both expert evidence and country guidance can be admitted into consideration by the tribunal as an aid to understanding the country conditions that may apply to the situation of an individual. These reports will enable us to be able to get trustworthy information about the problems of the Nigeria as well as any issues associated with the situation of people like Kachi in similar circumstances. These documents shall serve the purpose for the asylum claimant to establish that their deportation would put them to a real risk of serious harm or persecution, which is covered by the Convention and the ECHR.

Through relying heavily on correct application of pertinent legal provisions and putting the acquired evidence forward, we hope to base our case on solid foundation and ensure favorable result of the appeal.

QUESTION 20

Answer: Based on Kachi's desire not to reveal about his spouse and children to the Home Office in due representations, we have to act lawfully while offering him advice. In the context of immigration law, the duty of candor, underpinning the Immigration Rules and derived from case law, demands the full disclosure of any material fact pertaining to a person's immigration case.

According to Section 3C (3) of the Immigration Act 1971, any changes in conditions mentioned by the leave to remain must be reported to the Home Office. Not declaring material facts, such as the fact that Kachi is partnered and has a child who both hold British citizenship, could be considered a breach of duty of candor which, in turn, can lead to negative consequences for Kachi's immigration status.

Moreover, under Section 24 of the Immigration Act 1971, giving false information or representation to Home Office is considered to be an offense. It involves eliminating the facts that can be regarded as vital and could have an impact on the decision of an immigration case.

Although I am aware of his concerns, I think that it is still important to explain those legal aspects that relate to disclosure of all relevant information to the Home Office. Through having no information about his partner and child, Kachi can end up in giving a false credibility of his testimonies and in the end endangers the integrity of his immigration case.

Consequently, it is advisable to include non-traditional ways of addressing his shortcomings while considering the legal requirements. This could entail touching upon the possible consequences he may encounter in terms of disclosing his family situation with the Home Office and whether he should put his family first or keep the relevant authorities updated.

The transparency and sincerity are the pillars of the Immigration Law, and consequently making any decision regarding disclosure of information is worthy of deep reflection and consideration of the legal consequences and possible consequences for Kachi's immigration status.