



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2022-001806
FtT No: PA/50319/2021
IA/01080/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 20 July 2023

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

RUBINA NAZIR

(no anonymity order requested or made)

Appellant

and

S S H D

Respondent

Decided without a hearing under rule 34 On the 19 July 2023

DECISION AND REASONS

1. By a decision dated 3 March 2022, FtT Judge D H Clapham dismissed the appellant's appeal "on [Refugee] Convention Grounds and Articles, 2, 3 and 8 of the ECHR".
2. On 28 July 2022 UT Judge Rintoul granted permission to appeal to the UT: ...

The renewed grounds expressly do not challenge the asylum/protection issues. Given that the appellant's husband has leave to remain in the United Kingdom, it is arguable that the judge failed to give adequate reasons why she concluded it was reasonable for the older child to return to Pakistan.

It is of note that the judge does not appear to have reached proper findings as to whether the appellant and her husband (and their children) are living together.

Permission is granted on all grounds.

3. On 14 September 2022, the SSHD responded to the grant of permission:

...

It is accepted that the Judge materially erred in law in line with what is stated in the grant of permission. The Tribunal are invited to determine the appeal with a fresh hearing.

4. It appears from the file that the appellant's representatives suggested that the case might be resolved without a hearing by a remit to the FtT, to reconsider only the article 8 issues.
5. Unfortunately, the above appears to have been overlooked administratively, and the case has been listed for hearing on 26 July 2023. It is clear, however, that a hearing is unnecessary.
6. The FtT has erred in law, to the extent set out above, as agreed. Its decision stands on asylum and protection issues, but otherwise only as a record of what was before the tribunal.
7. The case is remitted for fresh hearing of article 8 issues, not before Judge Clapham.

Hugh Macleman
Judge of the Upper Tribunal, Immigration and Asylum Chamber
19 July 2023