



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

Case No: UI-2023-003369

First-tier Tribunal No: DC/50173/2021

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**

11<sup>th</sup> October 2023

**Before**

**UPPER TRIBUNAL JUDGE LINDSLEY**  
**DEPUTY UPPER TRIBUNAL JUDGE WOODCRAFT**

**Between**

**Noor Luqman**  
**(NO ANONYMITY ORDER MADE)**

Appellant

**and**

**Secretary of State for the Home Department**

Respondent

**Representation:**

For the Appellant: Ms F Shaw, of Counsel, instructed by Deo Volente Solicitors LLP

For the Respondent: Mr T Melvin, Senior Home Office Presenting Officer

**Heard at Field House on 3 October 2023**

**DECISION AND REASONS**

*Introduction*

1. The appellant appeals against the decision of the respondent to revoke her British citizenship dated 3<sup>rd</sup> March 2021. Her appeal against the decision was dismissed by First-tier Tribunal Judge Parkes after a hearing on 16<sup>th</sup> February 2023.
2. Permission to appeal was granted by Judge of the First-tier Tribunal Aldridge on 14<sup>th</sup> August 2023 on the basis that it was arguable that the

First-tier judge had erred in law in considering matters relating to the asylum claim which were outside of the remit of the appeal and it is arguable that the First-tier Tribunal failed to consider the human rights impact of revocation of the appellant's citizenship on her family given that they reside in Ireland.

3. The matter came before us to determine whether the First-tier Tribunal had erred in law, and if so whether any such error was material and the decision needed to be set aside.

#### *Submissions & Conclusions – Error of Law*

4. In the grounds of appeal and in submissions from Ms Shaw it is argued that the First-tier Tribunal erred in law as follows. It is said by way of introduction that the appellant entered the UK in the name of Ambreen Khan, but then applied for asylum in 2003, won her asylum appeal in 2004 and applied to naturalise as a British citizen in 2009 in what is contended to be her true identity, that of Noor Luqman. It is however accepted that the appellant went with her partner to Pakistan and returned to the UK in 2004/2005 with documents in the name of Ambreen Khan. The appellant, her partner and seven year old son are now said to live in Dublin in the Republic of Ireland.
5. In grounds one and two it is argued that the First-tier Tribunal erred in law in examining the asylum claim and making findings on its veracity and the veracity of the documents (FIR) when this was not questioned by the respondent in the decision under appeal, and the appellant did not know it was an issue in the appeal, and when the only issue was whether she had acquired her citizenship by deception. In ground three it is argued, that there was a failure to consider the degree of control that her partner exercised over her in forcing her to return with him to Pakistan in 2004/2005 so he could obtain entry clearance as her partner. When asked to explain how the First-tier Tribunal had erred in law when the First-tier Tribunal's role in this appeal in relation to the s.40(3) British Nationality Act 1981 appeal was to consider whether the decision of the respondent was flawed by public law error it was argued by Ms Shaw that these grounds were based on the argument that the First-tier Tribunal had erred in law in examining the appellant's asylum claim and immigration history when the decision of the respondent revoking the decision did not take a position on these matters so these were not material matters in determining the appeal. Ms Shaw made it plain that she had not drafted the grounds however. We asked Ms Shaw to look at the decision of the respondent dated 3<sup>rd</sup> March 2021, and in particular at paragraphs 33 to 35 of that decision, from which it was plain that the respondent explicitly contended that deceptions relating to identity and the timing of the appellant's marriage were material in her being successful in her asylum appeal and obtaining refugee status. At this point Ms Shaw decided that she would not pursue grounds one to three. We add that grounds of appeal such as these which do not firstly identify public law errors in the decision of the respondent and then

secondly show that they were not appropriately and lawfully identified in the decision of the First-tier Tribunal cannot succeed.

6. In the fourth ground it is argued that the First-tier Tribunal erred in law in the determination of the human rights appeal because it was found that there would be no impact on the appellant and her family when, it is argued, that is clearly not the case as they live in Dublin where they only have a right to reside if the appellant is a British citizen. It contends that the appellant's son would not be able to continue to reside and attend school and that the appellant's husband would cease receiving medical treatment for lupus disease. This ground cannot succeed as the grounds make no challenge to the finding at paragraph 24 of the decision where it is found that there is no ECHR point to be made as the appellant and family do not reside within the jurisdiction of the UK, as they reside in the Republic of Ireland. It follows that any breach of the ECHR which results from the appellant being deprived of her citizenship and expelled from the Republic of Ireland is a matter that must be raised with the Irish authorities and is not the responsibility of the UK. Article 1 of the ECHR requires each signatory to secure the rights and freedoms in the Convention for those within their jurisdiction and as a signatory to that Convention the Republic of Ireland can be expected to provide that protection. Further the ground is unarguable because at paragraph 25 of the decision it is correctly found by the First-tier Tribunal that there was no evidence before it that the appellant and her family would have to leave the Republic of Ireland if she is deprived of her British citizenship. The appellant states in her witness statement that she fears this would be the case, but there is no evidence that this would actually happen, for instance from an Irish lawyer or citing Irish law on the subject. Further, as Mr Melvin pointed out, it would appear from the appellant's witness statement that the appellant's husband would probably have been in a position to apply for permanent residence by the time of the hearing before the First-tier Tribunal as the evidence was that he had held an EEA residence card as a partner since 2016.

Decision:

1. The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.
2. We uphold the decision of the First-tier Tribunal dismissing the appeal.

**Fiona Lindsley**

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

**9<sup>th</sup> October 2023**