



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

PA/03390/2017

**THE IMMIGRATION ACTS**

**Heard at Glasgow  
on 11 January 2019**

**Decision & Reasons  
Promulgated  
on 24 January 2019**

**Before**

**UPPER TRIBUNAL JUDGE MACLEMAN**

**Between**

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

Appellant

**and**

**[L T]**

**(~~ANONYMITY DIRECTION NOT MADE~~)**

Respondent

For the Appellant: Mr A Govan, Senior Home Office Presenting Officer  
For the Respondent: Ms N Loughran, of Loughran & Co, Solicitors

**DECISION AND REASONS**

1. Parties are as above, but the rest of this determination refers to them as they were in the FtT.
2. The SSHD appeals against the decision of FtT Judge Handley, promulgated on 29 May 2018.
3. The nub of the grounds is that the appellant is married; the judge did not find her generally credible; did not accept that she is a Pentecostal Christian or that she escaped from military service; noted at [29] that

married women are exempt from military service; and contradicted himself by allowing the appeal because her liability to military service carries a risk of persecution.

4. The grounds proceed on the assumption that the appellant is married. However, her evidence, recorded at [19], was that the marriage ceremony in which she engaged was not one recognised by the authorities. The judge expressed no conclusion on the matter. Thus, there is no finding to justify the assumption in the grounds, and the evidence is that, legally, the appellant is not married.
5. The grounds are based on an unwarranted assumption, and disclose no error.
6. That conclusion disposes of the appeal to the UT, but I also note the following.
7. Although there has been an update, representatives agreed that the position continues to be as set out at section 7 of the respondent's Country Policy and Information Note, version 4.0, October 2016. This strongly suggests that the authorities would not extend exemption through marriage to any relationship which does not legally constitute a marriage.
8. There also appeared to be force in the submission by Ms Loughran that the proposition that married women are exempt from risk is supported only by some of the background evidence, and not by the country guidance given by the UT, which had that background evidence before it.
9. The decision of the First-tier Tribunal shall stand.
10. No anonymity direction has been requested or made.

A handwritten signature in black ink that reads "Hugh Macleman". The signature is written in a cursive style with a large, stylized initial 'H'.

11 January 2019  
Upper Tribunal Judge Macleman