



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

Case No: UI-2023-001775

First-tier Tribunal No: HU/58334/2022

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**

17<sup>th</sup> November 2023

**Before**

**UPPER TRIBUNAL JUDGE OWENS**

**Between**

**GURMEET SINGH**

**(NO ANONYMITY ORDER MADE)**

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

Respondent

**DECISION MADE PURSUANT TO RULES 34 AND 39 OF THE**  
**TRIBUNAL PROCEDURE (UPPER TRIBUNAL) RULES 2008**

1. The appellant appeals with permission against the decision of First-tier Tribunal Judge Norris dated 3 May 2023 dismissing his appeal against the respondent's refusal of his human rights claim.
2. The judge found that there were no "insurmountable obstacles" to the appellant and his British wife living in either India or Sri Lanka.
3. In the rule 24 response dated 7 June 2023 the respondent concedes that there are various material errors of law. These include that the judge failed to engage with the background material about the difficulties facing interfaith couples in both India and Sri Lanka and that the judge failed to determine the Chikwamba point. The respondent agrees that in view of this the decision should be set aside and remitted to the First-tier Tribunal to be heard de novo.

## **Disposal**

4. In directions dated 16 June 2023 both parties were asked whether they consented to the decision being set aside without a hearing and remitted to the First-tier Tribunal. If after 7 days of the directions being sent there was no objection the Tribunal intended to determine the appeal as proposed.
5. Neither party responded to directions within the 7days and indeed not at all.
6. On this basis I am satisfied that both parties consent to me deciding the appeal without a hearing and consent to the decision being set aside and remitted to the First-tier Tribunal to be heard de novo given the errors identified in the grounds of appeal and conceded in the rule 24 response.

## **Notice of Decision**

7. The decision of the First-tier Tribunal involved the making of an error of law.
8. The decision of the First-tier Tribunal is set aside in its entirety with no findings preserved.
9. The decision is remitted to the First-tier Tribunal for a de novo hearing before a judge other than First-tier Tribunal Judge Norris.

R J Owens

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

10 November 2023