



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

UI-2023-002181
PA-54601-2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On 1st November 2023

Before

UT JUDGE MACLEMAN & DEPUTY UT JUDGE FARRELLY

Between

M N

(anonymity order in place)

Appellant

and

S S H D

Respondent

Heard at Edinburgh on 18 October 20123

For the Appellant: Latta & Co, Solicitors, Glasgow

For the Respondent: Miss S Young, Senior Home Office Presenting Officer

DECISION AND REASONS

1. FtT Judge Komorowski dismissed the appellant's appeal by a decision issued on 15 May 2023.
2. On 20 June 2023 FtT Judge Athwal granted permission to appeal to the UT:

The grounds assert that the Judge erred at [23] when he stated that there was no suggestion that the Appellant's marriage to a Shia man in itself gave rise to a risk of harm from strangers.

I have considered the appellant's skeleton argument and the issue of inter-sect marriage was raised as an issue and addressed in the witness statements. It is arguable that the Judge failed to consider all relevant matters.

3. The decision says at [23]:

It was not suggested that the appellant's marriage to a Shia man, in itself, would give rise to a real risk of harm from strangers (in the absence of instigation by R.A or the appellant's family).

4. Miss Young conceded that was a slip, and the matter was in issue. Representatives agreed that the outcome should be a remit to the FtT.
5. There have been prior appeals involving the appellant and her husband on overlapping issues. There was brief discussion before us of the extent to which the outcomes remain the starting point for future decisions, but that is a matter apt for resolution in the FtT.
6. The FtT made an anonymity order, which is observed herein.
7. The decision of the FtT is set aside, and stands only as a record of what was said at the hearing.
8. The case is remitted to the FtT for fresh hearing before another Judge.

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