



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-
2023-002420
UI-
2023-002421
First Tier No:
EA/51793/2022
EA/
51794/2022

THE IMMIGRATION ACTS

**Decision & Reasons Issued:
On the 10 October 2023**

Before

UPPER TRIBUNAL JUDGE LANE

Between

Dennis Sackey and Ms. Zenobia Ekua Fio Sackey

(NO ANONYMITY ORDER MADE)

and

Secretary of State for the Home Department

Appellant

Respondent

Representation:

For the Appellant: Mr Karim
For the Respondent: Mr Diwnycz, Senior Presenting Officer

Heard at Phoenix House (Bradford) on 9 October 2023

DECISION AND REASONS

1. The Appellants appeal against a determination of First-tier Tribunal Judge Hillis promulgated on 14th June 2023.
2. At the initial hearing at Bradford on 9 October 2023, Mr Karim, who appeared for the appellants, submitted that the judge had been required only to determine the validity of the marriage of the appellants and not whether their relationship was subsisting. Validity had been the sole reason for refusal and, having found at [12] that the marriage certificate was a genuine document and that its contents should be relied upon, the First-tier Tribunal should have allowed the appeal. Mr Diwnycz, who appeared for the Secretary of State, told me that he agreed with Mr Karim and the appeal was not opposed. Accordingly, he made no submissions.

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3. In the circumstances, I set aside the decision of the First-tier Tribunal and remake the decision allowing the appeal against the decision of the Secretary of State dated 24 November 2022.

Notice of Decision

I allow the appeal and remake the decision allowing the appeal against the decision of the Secretary of State dated 24 November 2022

C. N. Lane

Judge of the Upper Tribunal
Immigration and Asylum Chamber

Dated: 9 October 2023