



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2024-003248

First-tier Tribunal Nos: HU/60944/2023

THE IMMIGRATION ACTS

Decision & Reasons Issued:
15 October 2024

Before

DEPUTY UPPER TRIBUNAL JUDGE SAINI

Between

NA
(ANONYMITY ORDER MADE)

Appellant

and

Secretary of State for the Home Department

Respondent

Representation:

For the Appellant: Ms K Renfrew, Counsel; KT Solicitors

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

Heard at Field House on 25 September 2024

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant is granted anonymity.

No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant. Failure to comply with this order could amount to a contempt of court.

DECISION BY CONSENT AND DIRECTIONS

1. Pursuant to Rule 39 of the Tribunal Procedure (Upper Tribunal) Rules 2008 and by the consent of the parties the following order is made:

- (1) Upon the parties' agreement that the decision of the First-tier Tribunal promulgated on 6 June 2024 discloses material errors of law, it is hereby ordered by consent as follows.
- (2) The parties agree that the First-tier Tribunal Judge committed errors of law in the manner described in the Grounds of Appeal. In particular, Mr Lindsay indicated that he accepted what was said by counsel for the Appellant before the First-tier Tribunal (Ms Miszkiel) in relation to the submissions she made at paragraph 6 of the pleaded grounds which confirm that counsel 'made submissions based on the CPIN that the Appellant's nikkah was not valid in Pakistan, as the Appellant's wife did not wish to convert to Islam'. This was an important omission in the judge's consideration of the appeal as the Home Office's initial decision in this case and the review appear to be inconsistent with the position set out in the current Country Policy Information Note (CPIN) for Pakistan: Christians and Christian Converts, Version 5.0, published April 2024, which states on p.58, under the heading "Marriage" that A Christian woman or man marrying a Muslim is permissible, on the basis that they will convert to Islam". For those reasons, the parties agreed that the decision should be set aside in its entirety.
- (3) As a consequence of the above agreed errors, which I also approve, the decision is hereby set aside in its entirety and thus requires remaking, *de novo*.
- (4) Although Mr Lindsay was keen to obtain more information on any risk to parties to a marriage between a Muslim and a Christian (who did not wish to convert to Islam), in my view the matter should be remitted to the First-tier Tribunal in line with the terms of the Practice Statement as the decision has been set aside in its entirety and extensive fact-finding will be necessary, and the Appellant would otherwise be deprived of a two-tier decision-making process.

Directions

2. I make the following directions for the continuation of this appeal:
 - (1) The appeal is to be remitted to IAC Hatton Cross and shall be listed for a Case Management Hearing in the first instance, no earlier than 6 weeks from the date this decision is promulgated.
 - (2) The appeal is to be remitted to be heard by any judge of the First-tier Tribunal other than Judge Howard.

P. Saini

Deputy Judge of the Upper Tribunal
Immigration and Asylum Chamber

10 October 2024