



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

Appeal Numbers: IA/28903/2013  
IA/29141/2013  
IA/29142/2013

**THE IMMIGRATION ACTS**

**Heard at Manchester  
On 7 October 2014**

**Determination  
Promulgated  
On 20 October 2014**

**Before**

**UPPER TRIBUNAL JUDGE DAWSON**

**Between**

**MOHAMMAD ALI  
ZULFIQAR ALI  
SHAHEEN BIBI**

Appellants

**and**

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

Respondent

**Representation:**

For the Appellants: Ms S Rafiq instructed by Bukhari Chambers  
For the Respondent: Ms C Johnstone, Senior Presenting Officer

**DETERMINATION AND REASONS**

1. The respondent has been granted permission to appeal the decision of First-tier Tribunal Judge De Haney who allowed the first appellant's appeal against his administrative removal for reasons given in his determination dated 21 March 2014. The second and third appellants had been granted

permission to appeal the judge's decision dismissing their appeals against the respondent's decisions to remove them to Pakistan. The appellants are all nationals of that country.

2. To avoid confusion I shall continue to refer to the parties as they were before the First-tier Tribunal (the appellants) and for the same reason preserve the title to the action as it was before the First-tier Tribunal.
3. Ms Rafiq was hampered by not having a copy of the grounds of appeal by the second and third appellants. Although I refused her application for adjournment I nevertheless gave time for her to consider the paperwork. In the course of that exercise the representatives conferred. The upshot was that Ms Rafiq conceded error by the judge in his decision regarding the first appellant and Ms Johnstone conceded error by the judge in his reasons for dismissing the appeals by the second and third appellants. Ms Johnstone also conceded that if the first appellant establishes in the re-making of the decision that he has been in the United Kingdom since 1997 he will be entitled to leave to remain pursuant to paragraph 276ADE(v) of the Immigration Rules.
4. Ms Rafiq clarified that the first appellant had sought to rely on a religious marriage to an EEA national that had taken place after the immigration decision. She accepted that no evidence had been provided to the exercise of treaty rights by his partner Maria Syed.
5. The concessions by the representatives were based on acknowledged failure by the First-tier Tribunal Judge to give adequate reasons for his finding that the first appellant had been here since 1997 and an absence of reasons regarding the impact on the second and third appellants of their removal. This included an absence of a finding and the impact proportionality of the medical evidence regarding the third appellant and her ability to care for the second appellant who has dementia.
6. Accordingly, the appeals will be remitted to the First-tier Tribunal pursuant to s.12 of the Tribunals, Courts and Enforcement Act 2007. The representatives sought such an outcome and I consider this appropriate in the light of the extent of judicial fact-finding that will be necessary. None of the findings of the First-tier Tribunal Judge is preserved.

Signed



2014

Date 20 October

Upper Tribunal Judge Dawson