



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

Appeal Number: IA/39285/2014

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 28 May 2015**

**Decision & Reasons Promulgated  
On 4 June 2015**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE APPEYARD**

**Between**

**MRS HUMA IQBAL  
(ANONYMITY ORDER NOT MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: No appearance

For the Respondent: Mr S Walker, Home Office Presenting Officer

**DECISION AND REASONS**

1. No application for anonymity has previously been made in these proceedings and there is no such application before me today. There is nothing within the material that suggests that such an order is appropriate and none is therefore made.
2. The appellant is a citizen of Pakistan born on 7 July 1963. She is married to Mr Shamsul Silam Khan. The appellant applied for leave as his dependant. The respondent concluded that the appellant failed to meet

the requirements of paragraph 319C(i) of the Immigration Rules HC 395 (as amended) and refused her application.

3. She appealed and following consideration on papers Judge of the First-tier Tribunal Agnew, in a decision promulgated on 23 January 2015, dismissed the appellant's appeal under both the Immigration Rules and on human rights grounds.
4. Permission to appeal was sought and granted on 19 March 2015. Judge of the First-tier Tribunal P J M Hollingworth gave the following reasons for the grant:-

“1. The case was decided on papers. An arguable error of law has arisen in relation to the extent of the information available to the judge and the application of the criteria in paragraph 319.”

Thus the appeal came before me today.

5. Before me today were both the appellant and her husband. The appellant was assisted by an Urdu interpreter and I ensured at the outset of the hearing that they fully understood each other.
6. Having considered the decision Mr Walker, quite properly in my view, accepted that the judge had failed to particularise the evidence considered which enabled him to come to the conclusions that he did. That procedural error amounted to unfairness and is a material error of law. I share that analysis.
7. Both parties invited me to remit this appeal to a hearing before the First-tier Tribunal on the basis that one, the appellant, had been deprived of a fair hearing.
8. For these reasons I find the decision of the First-tier Tribunal contains errors of law and has to be set aside in its entirety.

### **Decision**

The making of the decision of the First-tier Tribunal involved the making of an error on a point of law. The decision is set aside. The appeal is remitted to the First-tier Tribunal to be dealt with afresh pursuant to Section 12(2)(b)(i) of the Tribunals, Courts and Enforcement Act 2007 and Practice Statement 7 of 2(b) before any judge aside from Judge Agnew.

Signed

Dated: 1 June 2015

Deputy Upper Tribunal Judge Appleyard