



**Upper Tribunal  
(Immigration and Asylum Chamber) Appeal Number HU/09903/2019 (V)**

**THE IMMIGRATION ACTS**

**Heard by *Skype for Business*  
on 31 March 2021**

**Decision & Reasons Promulgated  
on 22 April 2021**

Before

**UPPER TRIBUNAL JUDGE MACLEMAN**

Between

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

Appellant

and

**NADIA JAVAID**

Respondent

For the Appellant: Mr A Tan, Senior Home Office Presenting Officer

For the Respondent: Mr J Gajjar, instructed by Law Lane, Solicitors

**DETERMINATION AND REASONS**

1. Parties are as above, but the rest of this decision refers to them as they were in the FtT.
2. The SSHD appeals against the decision of FtT Judge Foulkes-Jones, which at paragraph 5 (19) allowed the appeal because in terms of paragraph 276ADE(1)(vi) of the immigration rules there were “very significant obstacles to the appellant’s integration into Pakistan”.
3. The judge’s decision at paragraph 5 (18) records evidence from the appellant’s husband that he and the appellant are “both highly educated,

skilled, hardworking, experienced, honest and law-abiding persons". The judge goes on to say at 5 (18) and (19) that she has no evidence of any work the appellant did in Pakistan; no occupation is given on her marriage certificate; no evidence of her working in the UK; and "no evidence ... that she will be able to find work in Pakistan, despite being highly educated". This is a major component in the conclusion on "very significant obstacles".

4. Despite Mr Gajjar's valiant contentions to the contrary, I am satisfied that the SSHD's grounds disclose a conclusion on an important point reached without any cogent reason, and contrary to evidence provided by the appellant that she is not only highly educated but hardworking and experienced.
5. The judge also based her decision to a large extent on the appellant having to live alone with no male protector.
6. The respondent's decision, in dealing with family rather than private life, found no reason why the appellant and her husband could not live in Pakistan. The appellant made no case to the contrary in the FtT. The judge gave no reason for assessing the appellant's private life in Pakistan as if she would inevitably be on her own.
7. The SSHD's grounds on this point are not as clear as they might have been, being framed as if the matter depended on the nature of the appellant's husband's leave to remain in the UK. There is no obvious relevance in that. However, the grounds disclose a second clear error.
8. The judge noted that the appellant has spent 27 of her 32 years in Pakistan, retains knowledge of the life, language, and culture, and speaks Urdu, before finding at paragraph 5 (19) that, despite those factors, she "will not have the capacity to participate" in life in Pakistan. That finding is left with no legally adequate support.
9. The decision of the FtT is set aside. The case is remitted for a fresh hearing, not before Judge Foulkes-Jones.
10. No anonymity direction has been requested or made.

Hugh Macleman

12 April 2021  
UT Judge Macleman

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#### NOTIFICATION OF APPEAL RIGHTS

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application.

The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:

2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically)**.
3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically)**.
4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically)**.
5. **A "working day" means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.**
6. **The date when the decision is "sent" is that appearing on the covering letter or covering email.**