



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

Appeal Number: IA/24493/2015

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 18 May 2017**

**Decision & Reasons Promulgated  
On 1 June 2017**

**Before**

**UPPER TRIBUNAL JUDGE PERKINS**

**Between**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**and**

**MOHAMMAD FAYYAZ  
(ANONYMITY DIRECTION NOT MADE)**

Respondent

**Representation:**

For the Appellant: Mrs A Holmes, Senior Home Office Presenting Officer  
For the Respondent: Appeared in person

**DECISION AND REASONS**

1. This is an appeal brought by the Secretary of State against the decision of the First-tier Tribunal allowing the appeal of the Respondent, hereinafter “the Claimant” against the decision of the Secretary of State refusing him a residence card.
2. The Secretary of State appeals because the Tribunal has ruled in the case of **Sala (EFMs: Right of Appeal) [2016] UKUT 00411 (IAC)** that, contrary to what people have thought for a long time, there is no right of appeal to the

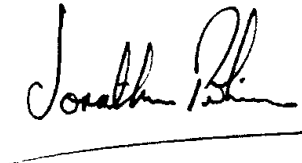
First-tier Tribunal against the decision of the Secretary of State not to grant a residence card to a person claiming as an extended family member.

3. The decision is Sala is reported and I intend to follow it. Consequently I have to set aside the decision of the First-tier Tribunal and substitute a decision that there is no jurisdiction to entertain an appeal.
4. I put on record that Ms Holmes, for the Secretary of State, has confirmed that there was no challenge to the First-tier Tribunal Judge's findings of fact and the Secretary of State will reconsider the matter in the light of those findings but for the purposes of the record I rule that the First-tier Tribunal erred in law and I substitute a decision that there is no right of appeal against the decision complained of.

**Notice of Decision**

The Secretary of State's appeal is allowed.

Signed  
Jonathan Perkins  
Judge of the Upper Tribunal

A handwritten signature in black ink, appearing to read 'Jonathan Perkins', written over a horizontal line.

Dated 30 May 2017