



**Upper Tribunal  
(Immigration and Asylum Chamber)  
EA/04020/2015**

**Appeal No:**

**EA/04021/20**

**15**

**EA/04022/20**

**15**

**EA/04023/20**

**15**

**THE IMMIGRATION ACTS**

**Considered at Field House**

**Decision and Reasons**

**Promulgated**

**On 23 January 2018**

**On 25 January 2018**

**Before:**

**Upper Tribunal Judge Pitt**

**Between:**

**Ahtasham Azhar + 3**

Appellant

**and**

**Secretary of State for the Home Department**

Respondent

**Decision and Reasons**

1. The Tribunal issued a direction on 15 December 2017 requesting that the parties provide written reasons within 7 days as to why an error of law should not be found and the appeal remitted to the First-tier Tribunal following Khan v SSHD [2017] EWCA Civ 1755.
2. No response was received from either party within 7 days. The respondent wrote opposing remittal on 29 December 2017 but gave no reason for the delay in respondent which, in the context of a 7 day time limit was significant. Time is not extended for the respondent's submissions of 29 December 2017.

3. Even taking into account the submissions made in the respondent's letter of 29 December 2017, the Tribunal's view is that the law at present is that set out in Khan v SSHD [2017] EWCA Civ 1755 and that this requires an error of law to be found, the decision of the First-tier Tribunal set aside and the appeal remitted to the First-tier Tribunal.
4. The decision of Designated Judge McCarthy discloses an error of law such that it is set aside and remitted to the First-tier Tribunal to be re-made *de novo*.
5. The hearing listed for 31 January 2018 is vacated.

**Signed:**   
**Upper Tribunal Judge Pitt**

**Dated: 23 January 2018**