



**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: EA/10840/2016**

**At Field House
March 2018**

On 8th

Thami En Naeme

And

Secretary of State for the Home Department

DECISION AND REASONS

1. By way of a decision sent on 17 January 2018, permission to appeal was granted in the following terms:

“1. In the light of Khan v Secretary of State for the Home Department [2017] EWCA Civ 1755, the First-tier Tribunal was wrong in law to conclude that it did not have jurisdiction to hear the appeal.

2. The Tribunal is minded to find an error of law, set aside the decision of the First-tier Tribunal and remit the case to the First-tier Tribunal.

3. A party who is opposed to this course is directed to inform the Tribunal in writing (giving reasons), not later than 7 working days from the date this decision is sent by the Upper Tribunal. Following that period, the Upper Tribunal will issue its decision.”

2. The Respondent failed to respond to the Tribunal’s invitation. By way of a letter of 6 March the appellant indicated agreement with the Tribunal’s proposed course.
3. Consequently, for the reasons identified above, I set aside the decision of the FtT and remit the appeal back to the FtT to consider afresh. The hearing listed for 20 March 2018 is accordingly vacated.

Signed:

A handwritten signature in black ink, appearing to read "Michael W. O'Connor", written over a faint horizontal line.

Upper Tribunal Judge O'Connor

7/3/18