



**Upper Tribunal
(Immigration and Asylum Chamber)**
EA/07710/2016

Appeal Number:

THE IMMIGRATION ACTS

**Heard at Field House
On 29th January 2018**

**Decision and Reasons
Promulgated
On 22 March 2018**

Before

UPPER TRIBUNAL JUDGE BRUCE

Between

**Stephen Nko Ilekendi
(no anonymity direction made)**

Appellant

And

Secretary of State for the Home Department

Respondent

DECISION AND REASONS

1. The Appellant is a national of Nigeria born on the 20th June 1960. On the 20th September 2017 his appeal under the Immigration (European Economic Area) Regulations 2006 was dismissed by the First-tier Tribunal on the grounds that pursuant to the decision in Sala (EFMs: right of appeal) [2016] UKUT 00411 (IAC) there was no jurisdiction.
2. Permission to appeal was granted by Upper Tribunal Judge Kebede on the 29th January 2018. Judge Kebede indicated that the Upper Tribunal was minded, following the decision in Khan v Secretary of State for the Home Department [2017] EWCA Civ 1755 to find an error of law and remit the matter for hearing *de novo* before the First-tier

Tribunal. Judge Kebede directed that this would be the final disposal of the matter in the Upper Tribunal unless submissions were received to the contrary within 7 working days of his decision being sent.

3. No such representations having been received I therefore set the decision of the First-tier Tribunal aside and remit the matter for hearing *de novo* in the First-tier Tribunal.

A handwritten signature in black ink, appearing to read 'CBE', written in a cursive style.

Upper Tribunal Judge Bruce
20th March 2018