



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

Appeal Number: IA/26370/2015

THE IMMIGRATION ACTS

Determined at Field House

**Decision & Reasons
Promulgated**

On the papers on 31st January 2018

On 2nd February 2018

Before

UPPER TRIBUNAL JUDGE RIMINGTON

Between

**Mr Bilal Hussain
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

None :

DECISION AND REASONS

1. In the light of Khan v Secretary of State for the Home Department [2017] EWCA Civ 1775, the First-tier Tribunal Judge was wrong in law to conclude that it did not have jurisdiction to hear the appeal.
2. On 3rd January 2018 I issued a decision indicating that the Tribunal was minded to find an error of law, set aside the decision of the First-tier Tribunal Judge and remit the case to the First-tier Tribunal. Any party opposed to this course was directed to inform the Tribunal in writing not later than 7 days from the date this decision was sent by the Upper

Tribunal. There has been no communication from either party and I have therefore proceeded to a decision as to whether there is an error of law.

3. The Judge erred materially for the reasons identified. I set aside the decision pursuant to Section 12(2)(a) of the Tribunals Courts and Enforcement Act 2007 (TCE 2007). Bearing in mind the nature and extent of the findings to be made the matter should be remitted to the First-tier Tribunal under section 12(2) (b) (i) of the TCE 2007 and further to 7.2 (b) of the Presidential Practice Statement.

Notice of Decision

The First-tier Tribunal made an error of law and his decision is set aside. The matter is remitted to the First-tier Tribunal.

Signed **Helen Rimington**
2018

Date 1st February

Upper Tribunal Judge Rimington