



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

Appeal Number: EA/00337/2018

**THE IMMIGRATION ACTS**

**Field House**

**On 26<sup>th</sup> November 2018**

**Decision & Reasons  
Promulgated**

**On 29<sup>th</sup> November 2018**

**Before**

**UPPER TRIBUNAL JUDGE LINDSLEY**

**Between**

**FADI CHAHOOR  
(ANONYMITY ORDER NOT MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**DECISION AND REASONS**

1. The appellant applied for an EEA residence card as the durable partner of an EEA national. The application was refused on 6<sup>th</sup> November 2017, and the First-tier Tribunal declined to hear the appeal on the basis it did not have jurisdiction.
2. Permission to appeal was granted on the basis that it was arguable that the First-tier judge had erred in law in light of Khan v Secretary of State for the Home Department [2017] EWCA Civ 1755. The parties were informed in that decision, dated 6<sup>th</sup> November 2018, that the Upper Tribunal was minded to find an error of law and remit the matter back to the First-tier Tribunal for remaking. The parties were given 7 days to make any representations opposing this course of action if they so

wished. No representations have been received. I therefore find that there was an error of law on this basis and remit the matter to the First-tier Tribunal.

Decision:

1. The making of the decision of the First-tier Tribunal involved the making of an error on a point of law.
2. I set aside the decision of the First-tier Tribunal that they had no jurisdiction to hear the appeal.
3. I remit the remaking to the First-tier Tribunal.

Signed: Fiona Lindsley  
2018  
Upper Tribunal Judge Lindsley

Date: 26<sup>th</sup> November