



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

Appeal Numbers: EA/02923/2015
EA/02924/2015, EA/02926/2015
EA/02927/2015, EA/02928/2015

THE IMMIGRATION ACTS

Determined at Field House

On the papers 14th March 2018

**Decision & Reasons
Promulgated**

On 15th March 2018

Before

UPPER TRIBUNAL JUDGE RIMINGTON

Between

**Muhammad [Z], Abida [Z], [M M], [M Z] and [S Z]
(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 19th January 2019, Upper Tribunal Judge Blum 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 Judge. Any party opposed to this course was directed to

EA/02926/2015, EA/02927/2015,

EA/02928/2015

inform the Tribunal in writing not later than 28 days from the date that direction was sent by the Upper Tribunal. There has been no communication from either party, save for a request by the Appellant's representatives that the hearing date set for 21st March 2018 be vacated, 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.
4. **The hearing of the 21st March 2018 in the Upper Tribunal is vacated.**

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

Date 14th March 2018

Upper Tribunal Judge Rimington