



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: EA/09270/2016

THE IMMIGRATION ACTS

Heard at Field House
On the 13th June 2018 (on the papers)

Decision & Reasons Promulgated
On the 18th June 2018

Before

UPPER TRIBUNAL JUDGE REEDS

Between

QASIM MEHMOOD
(NO ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

1. The Appellant is a citizen of Pakistan.
2. The Appellant with permission, appeals against the decision of the First-tier Tribunal (Judge Walker), who in a determination promulgated on the 13th September 2017 dismissed his appeal against the decision of the Respondent to refuse his appeal under the Immigration (European Economic Area) Regulations 2006 based on the want of jurisdiction following the decision in Sala.

3. In the light of Khan v Secretary of State for the Home Department [2017] EWCA Civ 1755, the First-tier Tribunal granted permission to appeal on the basis that it was arguably wrong in law to have concluded that it did not have jurisdiction to hear the appeal.

4. The Respondent has indicated that in cases such as this there is no dispute that in light of the decision in Khan (as cited) the appropriate course is to set aside the decision. I am therefore satisfied that the FTT erred in law in reaching the decision that there was no jurisdiction. I therefore set aside the decision. It will be remitted to the FTT to be heard afresh.

Decision:

The decision of the First-tier Tribunal involved the making of an error on a point of law. The decision is set aside and will be remitted to the First-tier Tribunal

Signed
Upper Tribunal Judge Reeds

Date: 13/6/2018