



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: EA/09358/2016

THE IMMIGRATION ACTS

Determined at Field House without a hearing  
On 20 June 2018

Decision & Reasons Promulgated  
On 22 June 2018

Before

UPPER TRIBUNAL JUDGE RINTOUL

Between

MUHAMMAD BILAL  
(NO ANONYMITY ORDER MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

1. On 30 May 2018, the Upper Tribunal directed that in the light of Khan v Secretary of State for the Home Department [2017] EWCA Civ 1755 and SM (Algeria) [2018] UKSC 9, it was minded to find that the First-tier Tribunal erred in law in concluding that it did not have jurisdiction to hear the appeal and to remit it to the First-tier Tribunal for a fresh hearing. No objection to the proposed course of action has been received. Accordingly, I am satisfied that I can proceed to determine the appeal in accordance with the directions made and without an oral hearing.
2. I am satisfied that that the determination of the First-tier Tribunal did involve the making of an error of law for the reasons set out above, and must therefore be set aside. Given the nature of the error, I remit the appeal to the First-tier Tribunal for a fresh determination on all issues.

**Summary of conclusions**

1. The determination of the First-tier Tribunal did involve the making of an error of law and I set it aside.
2. I remit the decision to the First-tier Tribunal for a fresh decision on all issues
3. The appeal must not be before First-tier Tribunal Judge Lambert

Signed

Date: 20 June 2018

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

Upper Tribunal Judge Rintoul