



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: IA/28075/2015

THE IMMIGRATION ACTS

Field House
On 30th July 2018

Determination Promulgated
On 3rd August 2018

Before

UPPER TRIBUNAL JUDGE COKER

Between

MUHAMMAD UMER

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DETERMINATION AND REASONS

1. On 11th July 2018 I granted the appellant permission to appeal a decision of the First-tier Tribunal as follows:
 1. The appellant has, through solicitors, provided a reasonable explanation for the delay in seeking permission to appeal and I extend time.
 2. In the light of Khan v Secretary of State for the Home Department [2017] EWCA Civ 1755, it was arguably wrong in law to have concluded that the First-tier Tribunal did not have jurisdiction to hear the appeal.
 3. The Upper Tribunal is minded to find an error of law, set aside the decision of the First-tier Tribunal and remit the case to the First-tier Tribunal.
 4. A party who is opposed to this course is directed to inform the Tribunal in writing (giving reasons), not later than 7 days from the date this decision is sent by the Upper Tribunal. Following that period, the Upper Tribunal will issue its decision.
2. Neither party has notified the Tribunal of any opposition to the course of action I proposed. I therefore set aside the decision and remit it to the First-tier Tribunal to be heard afresh, no findings preserved.

Conclusions:

The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.

I set aside the decision and remit the appeal to the First-tier Tribunal for fresh hearing.

Date 30th July 2018

A handwritten signature in cursive script, appearing to read "Jane Coker".

Upper Tribunal Judge Coker