



**Upper Tribunal
(Immigration and Asylum Chamber)
EA/02665/2015**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Field House

On 10 January 2018

**Decision & Reasons
Promulgated
On 29 January 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE I A LEWIS

Between

**MOHAMMAD IBRAHIM
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: No appearance and no representative
For the Respondent: Mr N Bramble, Home Office Presenting Officer

DECISION AND REASONS

1. This is an appeal against the decision of Designated First-tier Tribunal Judge Woodcraft promulgated on 13 March 2017, brought with the permission of Designated First-tier Tribunal McCarthy granted on 25 October 2017.
2. Judge Woodcraft declined to engage with the facts and issues in the appeal in reliance upon the case of **Sala (EFMs: Right of Appeal: Albania) [2016] UKUT 411 (IAC)**.

3. The decision in **Sala** has since been overturned by the Court of Appeal in **MK v Secretary of State for the Home Department [2017] EWCA Civ 1755**. The effect is that the Respondent now acknowledges that the decision of the First-tier Tribunal should be set aside for error of law and the appeal be heard afresh before the First-tier Tribunal with all issues under the EEA Regulations at large.
4. I agree that that is the appropriate approach.
5. It does seem to me that the appeal can be reheard by any Judge - including Judge Woodcraft who did not engage with the evidence or make any findings of fact. Notwithstanding this observation, it is a matter for Listing as to who should now remake the decision in the appeal.

Notice of Decision

6. The decision of the First-tier Tribunal is vitiated for error of law.
7. The decision in the appeal is to be remade before the First-tier Tribunal by any Judge with all issues at large.
8. No anonymity direction is sought or made.

The above represents a corrected transcript if ex tempore reasons given at the conclusion of the hearing.

Signed:

Date: **26 January 2018**

Deputy Upper Tribunal Judge I A Lewis